



# **Mandatory Greenhouse Gas Reporting Rule: EPA's Response to Public Comments**

**Volume No.: 6**

**Relationship to Other GHG Reporting  
Programs**

**September 2009**

# **Relationship to Other GHG Reporting Programs**

**U. S. Environmental Protection Agency  
Office of Atmosphere Programs  
Climate Change Division  
Washington, D.C.**

## FOREWORD

This document provides EPA's responses to public comments on EPA's Proposed Mandatory Greenhouse Gas Reporting Rule. EPA published a Notice of Proposed Rulemaking in the Federal Register on April 10, 2009 (74 FR 16448). EPA received comments on this proposed rule via mail, e-mail, facsimile, and at two public hearings held in Washington, DC and Sacramento, California in April 2009. Copies of all comments submitted are available at the EPA Docket Center Public Reading Room. Comments letters and transcripts of the public hearings are also available electronically through <http://www.regulations.gov> by searching Docket ID *EPA-HQ-OAR-2008-0508*.

Due to the size and scope of this rulemaking, EPA prepared this document in multiple volumes, with each volume focusing on a different broad subject area of the rule. This volume of the document provides EPA's responses to significant public comments received on the relationship of this rule to other GHG reporting programs.

Each volume provides the verbatim text of comments extracted from the original letter or public hearing transcript. For each comment, the name and affiliation of the commenter, the document control number (DCN) assigned to the comment letter, and the number of the comment excerpt is provided. In some cases the same comment excerpt was submitted by two or more commenters either by submittal of a form letter prepared by an organization or by the commenter incorporating by reference the comments in another comment letter. Rather than repeat these comment excerpts for each commenter, EPA has listed the comment excerpt only once and provided a list of all the commenters who submitted the same form letter or otherwise incorporated the comments by reference in table(s) at the end of each volume (as appropriate).

EPA's responses to comments are generally provided immediately following each comment excerpt. However, in instances where several commenters raised similar or related issues, EPA has grouped these comments together and provided a single response after the first comment excerpt in the group and referenced this response in the other comment excerpts. In some cases, EPA provided responses to specific comments or groups of similar comments in the preamble to the final rulemaking. Rather than repeating those responses in this document, EPA has referenced the preamble.

While every effort was made to include significant comments related on the relationship of this rule to other GHG reporting programs in this volume, some comments inevitably overlap multiple subject areas. For comments that overlapped two or more subject areas, EPA assigned the comment to a single subject category based on an assessment of the principle subject of the comment. For this reason, EPA encourages the public to read the other volumes of this document with subject areas that may be relevant on the relationship of this rule to other GHG reporting programs.

The primary contact regarding questions or comments on this document is:

Carole Cook (202) 343-9263

U.S. Environmental Protection Agency  
Office of Atmospheric Programs  
Climate Change Division  
Mail Code 6207-J  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

[ghgreportingrule@epa.gov](mailto:ghgreportingrule@epa.gov)

## TABLE OF CONTENTS

<b><u>Section</u></b>	<b><u>Page</u></b>
1. GENERAL CONSISTENCY WITH OTHER REPORTING PROGRAMS .....	1
2. DUPLICATIVE REQUIREMENTS: THE CLIMATE REGISTRY (TCR).....	50
3. DUPLICATIVE REQUIREMENTS: OTHER PROGRAMS.....	55
4. INVENTORY OF U.S. GHG EMISSIONS AND SINKS .....	68
5. HOW WILL THIS RULE AFFECT EPA’S VOLUNTARY GHG REPORTING PROGRAMS?.....	74

## **1. GENERAL CONSISTENCY WITH OTHER REPORTING PROGRAMS**

---

**Commenter Name:** David Stirpe

**Commenter Affiliation:** Alliance for Responsible Atmospheric Policy (ARAP)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0527.1

**Comment Excerpt Number:** 4

**Comment:** The Alliance suggests that EPA should not develop new requirements for measuring and/or calculating emissions since there are already adequate tools in the Toxic Release Inventory (TRI). Many companies impacted by these rules are already reporting emissions under TRI and many are reporting emissions of the same chemicals that will be covered under these rules. The TRI reporting requirements are well known, familiar, and effective. We believe that the greenhouse gas reporting regulations should allow the emissions level calculations to be consistent with the TRI and other Clean Air Act reporting, allowing companies to utilize their existing measurement tools to ensure timely and accurate reporting. The use of existing Clean Air Act tools is useful, cost-effective, and avoids duplication.

**Response:** This reporting rule has been designed to collect verifiable facility-level GHG emissions data based on consistent monitoring methods for use in developing future GHG policies and programs. To serve this purpose, there are differences between the reporting requirements under this rule and TRI. See the preamble for responses to comments on the general monitoring approach, the level of reporting, the general content of the annual report, and the emissions verification approach. The preamble also discusses the relationship between this rule and other programs. Also see Volume 9 (Legal Issues) of this document for a discussion on the TRI.

---

**Commenter Name:** Gregory A. Wilkins

**Commenter Affiliation:** Marathon Oil Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0712.1

**Comment Excerpt Number:** 43

**Comment:** Marathon supports EPA's goal to create consistent requirements with existing programs by using existing emission estimation and methodologies to reduce reporting burden. Although Marathon understands EPA's evaluation of other reporting programs in development of this rule (e.g., The Climate Registry, California Climate Action, CARD) some methodologies from these programs are inconsistent with the API Compendium or are not based upon sound or reasonable science (e.g., emissions from oil/water separators, use of EPA's TANKS 4.0 Program for tank emissions, sulfur plants, LDAR). Specifically, Marathon has concern on the use of CARB as a template for the creation of this reporting rule. Marathon questions the validity and soundness of CARB's estimation methods and whether the level of detailed reporting they require is necessary. EPA should use methodologies provided in the API Compendium, for those sources covered by the Compendium, because it is a reliable and sound document for estimating greenhouse gas emissions. Using the Compendium will also relieve burden as it is already widely used by the oil and gas and other industry sectors. The API Compendium was sponsored by the American Petroleum Institute and developed by industry experts in GHG emissions and estimation methodologies. It is peer reviewed and analyzed by governmental and non-governmental organizations as well as industry experts and published through API. The Compendium is intended to be a repository of information available at the time of publication for

GHG emission sources. The Compendium always references the original data source such that the user can determine if the method or reference is applicable to the operation in question. It is available for free and is used across multiple industries, including many outside of the oil and natural gas industry (e.g. boilers and process heaters, petro chemical and chemical production). This document is used on a national level currently by oil and gas industries which are one of the most regulated industries in this reporting rule. It provides detailed specific calculation methodologies and analysis on individual processes. Additionally, the Compendium is periodically reviewed and updated, with the newest version expected to be published sometime in 2009. This detailed and analyzed data is specific enough to meet the requirements of the 2008 Appropriations Act and has already been implemented by the oil and gas industry. Consistency with the methods provided in the Compendium would reduce implementation burden while allowing for scientifically accurate, detailed information. Marathon believes the Compendium to be the best source of methodologies for estimating GHG emissions from the oil and gas industry. Specifically Marathon asks that EPA review the methodologies they have provided for sources that are not listed in the Compendium for the oil and natural gas sector (for example oil/water separators and landfills) as well as for emissions estimates of certain GHG's from various sources (for example CH<sub>4</sub> and N<sub>2</sub>O from the FCCU). Many of these sources were reviewed for inclusion in the API Compendium for its most recent update (preparation for the 2009 API Compendium) and where methodologies are not included, it is because they are not considered significant sources of GHG emissions.

**Response:** EPA received many comments on the oil and natural gas systems source category, and at this time, we are not going final with the oil and natural gas systems subpart. As we consider next steps, we will be reviewing the public comments and other relevant information. Thus, we are not responding to comments on this subpart at this time. See the preamble and comment response document for subpart Y (petroleum refineries) for the GHG methods selected for petroleum refineries.

---

**Commenter Name:** J. P. Blackford

**Commenter Affiliation:** American Public Power Association (APPA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0661.1

**Comment Excerpt Number:** 24

**Comment:** With respect to DOE's 1605(b) program, APPA requests that EPA work with DOE to either phase out the 1605(b) reporting program or streamline and coordinate the data collection process to avoid requiring entities who wish to continue to report voluntarily under 1605(b) to recalculate their emissions or submit different forms collecting similar information. [APPA requests that EPA consider this under SBREFA and Unfunded Mandates Reform Act (UMRA)]

**Response:** As discussed in the preamble, existing GHG reporting programs have different scopes and purposes. EPA recognizes that these programs have an important role in addressing climate change issues, and this reporting rule does not preempt or replace other programs. Under the DOE 1605(b) program, reporters can choose to prepare an entity-wide GHG inventory and document specific GHG emissions reductions made by the entity. The emissions reduction information is useful to the entity, the public, and other stakeholders. Our GHG reporting rule covers a much broader set of reporters, but is not designed to collect emissions reduction information and does not replace the DOE 1605(b) voluntary program. See preamble for further discussion on the relationship of this rule to other programs. For a discussion of SBREFA, see

Section VII.D of the preamble. For the discussion of UMRA, see Section VIII.D of the preamble and Volume 7 (The Rule Development Process, Statutory and Executive Order Reviews, and Other Miscellaneous Comments) of this document.

---

**Commenter Name:** Andrew Ginsburg

**Commenter Affiliation:** Oregon Department of Environmental Quality

**Document Control Number:** EPA-HQ-OAR-2008-0508-1463

**Comment Excerpt Number:** 4

**Comment:** EPA should ensure that the timing and level (unit or equipment-level versus facility-level) of GHG reporting is harmonized with other emissions reporting obligations for sources. With regard to harmonizing the timing and level of reporting, we offer our assistance along with other NACAA members to help EPA fine-tune its final rule requirements.

**Response:** See the preamble for responses on selection of the level of reporting, general contents of the annual report, and submittal date for annual reports. EPA carefully reviewed State and other reporting programs under this rule and attempted to be consistent where feasible, however such programs include a variety of reporting dates and reporting levels, and EPA selected requirements that were appropriate to serve the objectives of the national reporting rule as explained in the preamble. Also, see the preamble response on the relationship of this rule to other programs. EPA is working with TCR, States, and other programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Donald Griffin

**Commenter Affiliation:** CITGO Petroleum Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-1576

**Comment Excerpt Number:** 1

**Comment:** The preparation of statewide GHG inventories typically requires some degree of mandatory GHG emissions reporting by stationary sources of GHGs. These state-level regulations differ widely from state to state, but all seek to achieve the same objective; a thorough reporting of the cumulative GHG emissions from a given state. For businesses that operate in multiple states, these multiple reporting regimes are cumbersome and expensive, and can result in overlapping reporting and the appearance of data inconsistencies. Designing one centralized national reporting program is a more manageable and practical solution. Regulators, stakeholders, and ultimately the public that we all serve will benefit from having one national GHG tracking system rather than 50 state systems and one federal system that are not synchronized. To be an effective solution, however, this one national program must provide each state with the basic state-level data that many states will need to prepare their GHG inventories. If GHG tracking is required by state law a state can choose to either write regulations requiring reporting of GHG emissions or it can rely on other credible sources of data. If USEPA's mandatory GHG reporting rule can provide the state-level data then states will not feel obligated to adopt their own duplicative GHG reporting regulations. Therefore it is our request that USEPA design its GHG reporting program to accommodate the need for state-level GHG tracking.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs. EPA intends to share data collected under this rule



with States and the public in a timely fashion. But we recognize that some State rules require additional information beyond the scope of this reporting rule, and they can continue to collect additional information.

---

**Commenter Name:** Olon Plunk

**Commenter Affiliation:** Xcel Energy Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0444.1

**Comment Excerpt Number:** 1

**Comment:** Xcel Energy supports reporting protocols that allow organizations to participate easily in voluntary reporting programs, such as The Climate Registry, as well as to comply with state and federal mandatory reporting requirements. It is critical that EPA's mandatory GHG program continue to be designed to work in concert with existing voluntary and state programs. Xcel Energy urges EPA to continue its efforts to develop information technology solutions that will ensure consistency in unit, facility and corporate GHG accounting and reporting at the state and federal levels. The Climate Registry and its CRIS electronic reporting infrastructure were specifically created and designed to serve as a central repository of GHG data for companies operating in North America. By continuing to work together, duplication of reporting efforts can be avoided.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Richard A. Leopold

**Commenter Affiliation:** State of Iowa Department of Natural Resources

**Document Control Number:** EPA-HQ-OAR-2008-0508-0336.1

**Comment Excerpt Number:** 1

**Comment:** In 2007, Governor Culver signed legislation that created Iowa's mandatory greenhouse gas reporting program. The Department is including detailed information on Iowa's program so that EPA will have a better understanding of the GHG reporting work the States are doing and how a federal reporting rule will impact states like Iowa. Iowa Code 455B.152, established in 2007, requires the Department to establish an inventory method for mandatory reporting of greenhouse gas emissions. Iowa Code 455B.851 requires the Department to report the greenhouse gas emissions for the previous calendar year (CY) to the Governor and General Assembly each year by September 1. The law allows the Department to phase in a series of reporting requirements by producer sector, geographic area, size of producer, etc. For the first year, 2007, all ethanol producers and all facilities subject to the Title V operating permit program were required to report carbon dioxide. In 2007, Governor Culver signed legislation that created Iowa's mandatory greenhouse gas reporting program. The Department is including detailed information on Iowa's program so that EPA will have a better understanding of the GHG reporting work the States are doing and how a federal reporting rule will impact states like Iowa. Iowa Code 455B.152, established in 2007, requires the Department to establish an inventory method for mandatory reporting of greenhouse gas emissions. Iowa Code 455B.851 requires the Department to report the greenhouse gas emissions for the previous calendar year (CY) to the Governor and General Assembly each year by September 1. The law allows the Department to

phase in a series of reporting requirements by producer sector, geographic area, size of producer, etc. For the first year, 2007, all ethanol producers and all facilities subject to the Title V operating permit program were required to report carbon dioxide, methane, and nitrous oxide emissions from stationary fossil fuel combustion and carbon dioxide emissions from ethanol fermentation. The scope of the inventory was expanded in 2008 to add reporting of HFCs, PFCs, and SF<sub>6</sub> as well as greenhouse gas emissions from six additional industrial processes -cement manufacturing, lime manufacturing, ammonia production and urea application, nitric acid production, iron and steel production, and soda ash use. The 2007 Iowa greenhouse gas inventory totaled 54.06 million metric tons of carbon dioxide equivalent (MMtCO<sub>2</sub>e) from stationary fossil fuel combustion. 53.14 MMtCO<sub>2</sub>e (98%) of those emissions was from 103 facilities that reported stationary fossil fuel GHG emissions greater than 25,000 mtCO<sub>2</sub>e. If the threshold was lowered to 10,000 mtCO<sub>2</sub>e, the Department estimates that an additional thirty-two facilities with a total of 3.53 MMt mtCO<sub>2</sub>e of emissions would become subject to the proposed rule. The 2007 Iowa greenhouse gas inventory was submitted to EPA's greenhouse gas inventory section on September 9, 2008 and is also posted at <http://www.iowadnr.gov/air/prof/ghg/ghg.html>. It includes the GHG emissions for each individual facility and source category. If EPA would like to see the raw fuel throughput data so EPA can have the most accurate picture of the affected source categories in Iowa, the Department will provide the data upon request. The Department estimates several of the 103 facilities with stationary fossil fuel GHG emissions greater 25,000 mtCO<sub>2</sub>e would also be subject to the rule under 40 CFR §98.2(a)(1) because their respective source categories. These facilities include: 2 ammonia manufacturing facilities; 3 Cement production facilities; 25 electricity generating facilities; 1 lime manufacturing facility; and 2 nitric acid production facilities. The Preamble of the proposed rule states that EPA's reporting program should "supplement and compliment, rather than duplicate, U.S. government and other GHG programs (e.g. State and Regional based programs)" and that "EPA will work with States to ease burden on reporters to State and Federal systems by harmonizing data management, where possible. The proposed rule does neither. When final, EPA's reporting rules, coupled with Iowa's rules, would require at least 103 Iowa facilities to report their greenhouse gas emissions to both EPA and Iowa in two different reporting formats. In addition, three Iowa corporations that have voluntarily joined the Climate Registry (TCR) would potentially have to report emissions to three jurisdictions -TCR, EPA, and the State. Two of these corporations operate more than twenty individual facilities in Iowa.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Robert D. Bessette

**Commenter Affiliation:** Council of Industrial Boiler Owners (CIBO)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0513.1

**Comment Excerpt Number:** 45

**Comment:** EPA discusses how the proposed mandatory GHG reporting program is different from the many other federal and state programs. To minimize the burden on covered stationary sources, the data submittal methodology for all programs should be identical along with the emission calculations for GHGs. Many states implemented GHG reporting programs prior to the development of a federal program. EPA should work with the states and regions to develop a common format for reporting and data exchange. A common approach would reduce the burden on covered facility and in addition, improve the quality of the data reported. A perfect example

of states and the EPA working together to collect similar data occurs in the Toxic Release Inventory (TRI) reporting system. While data under the TRI is reported to both the EPA and individual states, a common system is used to simplify the reporting process.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. As discussed in the preamble, in developing the reporting rule, EPA used consistent GHG protocols to the extent feasible given the different scopes and policy objectives of different State and Federal programs. However we recognize that some State and other programs are broader in scope than the reporting rule and will continue to collect additional data. As discussed in the preamble, EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange and reduce the burden on reporters.

---

**Commenter Name:** Laurie Burt

**Commenter Affiliation:** Massachusetts Department of Environmental Protection

**Document Control Number:** EPA-HQ-OAR-2008-0508-0453.1

**Comment Excerpt Number:** 3

**Comment:** Massachusetts is very interested in working with EPA on implementing a national reporting program that preserves the authority of states and others to implement innovative efforts to measure and reduce GHG emissions within their jurisdiction. For example, Massachusetts plans to preserve its lower threshold for GHG reporting of 5,000 tons per year of carbon dioxide equivalents (CO<sub>2</sub>e). It is critical that EPA's mandatory GHG program encourages, reinforces, and works in concert with the existing voluntary and mandatory state programs that complement and enhance the federal mandatory reporting program, including our state reporting program. Therefore, Massachusetts suggests that EPA's GHG Reporting Rule continue to ensure that state and local authorities have the ability to require reporting of GHG emissions data that exceed federal requirements. Massachusetts would like to highlight several additional important differences between EPA's proposed rule and Massachusetts' existing GHG reporting program in order to identify sources that we recommend should be included in the national program. In Massachusetts, we are requiring biomass facilities and retail sellers of electricity to report their GHG emissions, and we have included provisions for voluntary reporting by facilities. This data will ensure that Massachusetts' GHG inventory is as comprehensive as possible and provides a sound, scientific basis for our GHG reduction targets and plans. We would like to work with EPA to ensure that Massachusetts' requirements are supported, and to explore the expansion of EPA's requirements to collect similar data at the national level. In particular, we are concerned that EPA's proposal does not fully include GHG emissions from biomass, as described below.

**Response:** EPA intends to work with States and others to support harmonization across programs to the extent possible. See the preamble for discussion of the role of States and the relationship of this rule to State programs. As discussed in the preamble, this reporting rule does not preempt or replace State rules, and EPA affirms that States can collect additional data under State rules and programs. For a full response to this and other comments on preemption of state rules, see the volume of this document titled "Legal Issues". See the comment response document volume on selection of source categories to report for the response to comments on biomass.

---

**Commenter Name:** William Fred Durham

**Commenter Affiliation:** West Virginia Department of Environmental Protection (DEP)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0629.1

**Comment Excerpt Number:** 1

**Comment:** The DAQ believes that EPA should consolidate many of its federal air emissions reporting requirements in one program area, coordinated by OAQPS's Air Quality Assessment Division, Emissions Inventory and Analysis Group. Ideally these requirements should be contained in one rule. However, when that is not possible, every effort should be taken to harmonize timelines, formats and data systems. It is bad policy to require the regulated community to send criteria, toxic and GHG pollutants to different programs within EPA in different formats, into different data systems, and at different times. This kind of fractured reporting can only lead to reduced accuracy and consequently, decreased usefulness of data provided. Data integrity and consistency often would be compromised. Past EPA emissions inventory rule-making was developed to explicitly address this problem. The federal Consolidated Emissions Reporting Rule (CERR) and its replacement, the Air Emissions Reporting Requirements (AERR), both expressly stated EPA's intent to consolidate and harmonize emissions reporting. The rules' purposes were to improve reporting efficiency and increase the efficiency of the overall emissions inventory program, resulting in more consistent and uniform data that can be used to inform effective decisions by policy makers. The preamble to the proposed GHG rule states that the goal is to have this GHG reporting program supplement and complement, rather than duplicate U.S. government and other GHG programs. Although that intent was expressed, it appears to have been overlooked in certain aspects of the final version of the proposed rule. The DAQ lists below significant inconsistencies between the proposed GHG MRR and the AERR that work against our shared goals of increasing efficiency and providing more consistent and uniform data: 1. The proposed GHG rule sets an annual reporting deadline of March 31 for affected sources while the AERR reporting deadline is December 31. 2. The proposed GHG rule requires affected sources to report directly to EPA, while the AERR requires state and local (S/L) agencies to collect and report emissions inventory data from large point sources to EPA. 3. While not directly conflicting with the AERR, the proposed GHG MRR preamble proposes developing a new system for reporting GHGs, which makes the harmonizing and simplifying intent of the AERR more problematic. As part of its effort to reengineer the National Emissions Inventory (NEI) over the past several years the EPA, with active support from S/L agencies, has nearly completed development of the new Emissions Inventory System (EIS). Creating a separate new emissions reporting system for GHGs is both duplicative and counter-productive. EPA's proposal to develop a new emissions reporting system implies that there are software development resources available. We recommend that EPA not develop another reporting system. Instead, EPA should apply those resources to modify its new EIS to enable collecting and managing GHG emissions data along with its other EIS data. The DAQ urges EPA to take full advantage of its accomplishments in creating the EIS to use those resources otherwise planned for a new system to expand the EIS capabilities to accept data reported directly by facilities. After completing its own quality assurance procedures, EPA should then make the data available to those stakeholders within EPA that need it. The enhanced EIS would also be able to accept criteria, toxic and GHG emissions data reported by S/Ls consistent with AERR requirements. The DAQ has actively supported the NEI Reengineering project in general and its new EIS in particular. This is most recently demonstrated by the fact that the DAQ has joined a consortium of eight state and local agencies to develop an emissions inventory system schema that directly corresponds to the EPA's EIS schema. Our consortium has been awarded preliminary approval for a \$500,000 Exchange Network grant to develop a web-based, Cross-Media Electronic Reporting Regulation (CROMERR)-compliant emissions

inventory data collection and management system that will also provide emissions inventory data to EPA in XML format through our agencies Exchange Network nodes. The Consortium has included GHG reporting as part of the software development requirements. Again, this is to emphasize DAQ's standing as an actively involved stakeholder in creating a high quality emissions inventory program.

**Response:** See the preamble for discussion on the relationship of the rule to other programs and for responses on data collection, management and dissemination. EPA is committed to continuing to coordinate with other Federal programs to facilitate data exchange. For the response on coordinating data collection with the NEI and EIS, see the preamble section and comment response document on data collection, management, and dissemination. Also see the preamble for the response regarding the submittal date for annual GHG reports required under this rule.

---

**Commenter Name:** Dean C. DeLorey

**Commenter Affiliation:** Beet Sugar Development Foundation (BSDF) Environmental Committee

**Document Control Number:** EPA-HQ-OAR-2008-0508-0559.1

**Comment Excerpt Number:** 15

**Comment:** It would generate less bureaucracy and be more economical to add GHG reporting requirement to current air emission inventories managed by the states, especially if annual reporting is necessary. Most of the required information is already collected under existing air emission inventory programs and could be expanded to include GHG emissions with significantly less additional bureaucracy.

**Response:** See the preamble for discussion of the relationship of the rule to other programs and for responses on data collection, management and dissemination. Existing emission inventory programs vary by State in content and timing, do not necessarily cover the same facilities and suppliers reporting under the GHG reporting rule, and do not collect the specific detailed data elements needed for GHG verification. For these and other reasons described in the preamble, centralized data submission is the most efficient and effective means to collect consistent data from all facilities, including the specific data elements needed for GHG emissions verification, and to be able to make quality assured data available to decision makers, the public, and other agencies in a timely manner.

---

**Commenter Name:** Michael Garvin

**Commenter Affiliation:** Pharmaceutical Research and Manufacturers of America (PhRMA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0959.1

**Comment Excerpt Number:** 1

**Comment:** PhRMA notes that the level of specificity and detail in this reporting rule differs greatly from existing reporting rules such as the Superfund Amendments and Reauthorization Act (SARA) Toxic Release Inventory (TRI) reporting rule and the air emissions inventory reporting rules that are found in state air regulations. Both the TRI reporting rule and the various state air emissions inventory rules have been successful at achieving robust, sound reporting from affected facilities, while providing these facilities with the flexibility to determine their releases and emissions in the most technically viable and workable approach for their respective

businesses. As currently drafted, the proposed rule does not allow this flexibility. Instead, the proposed GHG reporting rule requires additional details and precautions that are not required for other air pollutants, including the class of air pollutants known as hazardous air pollutants (HAPs) or “air toxics”. Examples of proposed added detail in the GHG reporting rule include: 1. Development and maintenance of a written quality assurance performance plan (QAPP); 2. The need for the regulated community to develop “documentation of the process used to collect the necessary data for the GHG emissions calculations”; and 3. The need to provide detailed supporting information to the EPA so that they can perform an independent verification as to the accuracy of the reported values. In order to preserve consistency and maintain a feasible level of reporting, we believe that the level of detail and rigor in the GHG reporting rule should be modeled after the existing TRI and air emissions inventory rules. The Climate Leaders program is an excellent model for the quantification and reporting of green house gases by U.S. industry. Climate Leaders is based on protocols developed by the World Resources Institute GHG protocol, the international standard for GHG reporting.

**Response:** The reporting rule requires GHG emissions to be calculated using specified methods to collect data of known accuracy that is comparable across similar facilities for reasons discussed in the preamble response of the general monitoring approach. The reports must include the data elements needed for emissions verification in order to collect a consistent, verified database that provides the facility-level information needed for policy and program development. For additional discussion, see the preamble responses, and associated comment response volumes, on the level of reporting and the content of the annual report. For responses to comments on the monitoring plan (called a QAPP at proposal), see the preamble section on general recordkeeping requirements. For the response to the comment on the verification of emissions data, see the Section II.N of the preamble for our rationale for selecting self certification with EPA verification.

---

**Commenter Name:** Fiji George

**Commenter Affiliation:** El Paso Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0398.1

**Comment Excerpt Number:** 1

**Comment:** As part of this proposal, EPA reviewed existing mandatory and voluntary federal, regional and state reporting programs. 1 Based on our information on these programs, EPA’s review is accurate. EPA concludes that none of the existing voluntary or mandatory programs are designed to provide economy-wide comprehensive reporting from the entire United States with sufficient rigor and accuracy. In general, we support this conclusion although we feel there are significant areas where the EPA can draw from state/regional leadership in formulating reporting rules, especially for the natural gas sector.

**Response:** EPA thanks the commenter for their input.

---

**Commenter Name:** Rhea Hale

**Commenter Affiliation:** American Forest & Paper Association (AF&PA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0909.1

**Comment Excerpt Number:** 1

**Comment:** Many members of the pulp and paper industry have been effectively tracking and reporting GHG for over a decade and NCASI, the industry's technical assessment and research organization, has lead scientific thought throughout this period in domestic and international deliberation on forest products industry GHG accounting protocols. Collaborative work with other technical institutions and a range of stakeholder interests has resulted in protocols that create a balance between the needed significance level of calculations and any unnecessary cost of reporting. Based on this experience, we recommend that the EPA reporting requirements should: (a) be as consistent as possible with widely accepted protocols such as the Greenhouse Gas Protocol issued by WRI and WBCSD, the ISO 14064: 2006 standards, and the 2006 IPCC guidance; (b) encompass only emissions that are reasonably expected to be significant and can be estimated with reasonable accuracy; and (c) be cost-effective and practical without reducing its accuracy. Both the pulp and paper and wood products manufacturing segments of the industry have developed GHG emissions reporting protocols that are consistent with internationally accepted accounting principles and have been adopted by the WRI/WBCSD as sector specific GHG calculation tools for our industry. These are procedures and practices that have been in place prior to 2002. Unnecessary disruption or abandonment of these procedures will result in additional costs and wasted resources without justification. In other words, GHG inventory protocols must be sustainable in their design and implementation. We observe that the EPA draft Reporting Requirements depart from internationally accepted reporting protocols such as the ISO 14064 and the WRI/WBCSD Greenhouse Gas Protocol Calculation Tools, as well as from the more recent protocols from the European Union Emissions Trading System (EU ETS), The Climate Registry and EPA's Climate Leaders program. These departures are disruptive to industry practices, will not increase reliability of the results, and will force the industry to invest unnecessary monies at a time when it is already severely impacted by the global economic downturn. These differences will cause facilities to employ multiple methodologies, potentially have multiple emissions estimates, and result in inconsistencies with historically reported emissions.

**Response:** See Section II.O of the preamble for the response of the relationship of this rule to other programs. EPA carefully reviewed the reporting requirements of existing Federal, State, and Regional, and International programs and protocols during development of the reporting rule and used consistent GHG protocols to the extent possible, given differing scopes and objectives of the rule and the various other programs. See the preamble section on pulp and paper manufacturing and also the comment response document for pulp and paper manufacturing for pulp and paper comments and responses.

---

**Commenter Name:** [name not given]

**Commenter Affiliation:** Graphic Arts Coalition (GAC)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0701.1

**Comment Excerpt Number:** 1

**Comment:** The GAC supports the Agency's creation of a GHG inventory and reduction reporting system, however, this system should be based on the work and experiences of existing registry systems such as the Climate Registry of North America, the Department of Energy's 1605(b) greenhouse gas reduction registry, the Chicago Climate Exchange, and the Agency's own Climate Leaders Program. Understanding the successes and failures of these programs will enable the Agency to incorporate these programs' "best practices" that will facilitate the development of a comprehensive, federal GHG registry program.

**Response:** See the preamble for the response on the relationship of this rule to other programs. EPA carefully reviewed the reporting requirements of existing Federal, State, and Regional programs during development of the reporting rule and attempted to be consistent with the GHG protocols to the extent feasible. EPA is continuing to coordinate with other programs to facilitate data exchange.

---

**Commenter Name:** Marcelle Shoop

**Commenter Affiliation:** Rio Tinto Services, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0636.1

**Comment Excerpt Number:** 1

**Comment:** A national greenhouse gas (GHG) reporting program is fundamentally necessary for making sound climate change policy decisions and implementing climate policies. However, given the existence of regional and state mandatory and voluntary reporting programs it is important that EPA consider opportunities to ensure that the federal data collection system will work compatibly with these state-regional data collection systems, such as The Climate Registry's (TCR) Climate Registry Information System (CRIS). Increased consistency among the programs will help reduce the reporting burdens for those reporting to multiple registries.

**Response:** See the preamble for the response on the relationship of this rule to other programs. EPA is committed to reducing the burden of reporters and will continue to coordinate with other programs to facilitate data exchange and reduce the burden on reporters.

---

**Commenter Name:** Andrew Ginsburg

**Commenter Affiliation:** Oregon Department of Environmental Quality

**Document Control Number:** EPA-HQ-OAR-2008-0508-1463

**Comment Excerpt Number:** 1

**Comment:** Our first broad concern is that the federal rule ensures that Oregon can continue to collect the GHG information covered by our state GHG reporting rule, passed in 2008, without causing undue hardship or inconvenience to Oregon emissions sources. Beginning with 2009 emissions, all Oregon facilities with Title V permits emitting over 2,500 metric tons of CO<sub>2</sub> equivalent and a subset of facilities with state permits having emissions over 2,500 mtCO<sub>2</sub>e must report. Legislation that would add reporting requirements for imported electricity and fuel distributors is currently under consideration by the Oregon Legislature. NACAA in particular has clearly articulated our concerns related to preserving Oregon's ability to collect the GHG data we consider necessary for our policy-making efforts.

**Response:** EPA intends to work with States and others to support harmonization across programs to the extent possible. See the preamble for discussion of the role of States and the relationship of this rule to State programs. As discussed in the preamble, this reporting rule does not preempt or replace State rules, and EPA affirms that States can collect additional data under State rules and programs. For a full response to this and other comments on preemption of state rules, see the volume of this document titled "Legal Issues".

---

**Commenter Name:** Delaine W. Shane

**Commenter Affiliation:** Metropolitan Water District of Southern California (MWD)



**Document Control Number:** EPA-HQ-OAR-2008-0508-0551.1

**Comment Excerpt Number:** 1

**Comment:** Given that climate change is a regional issue, Metropolitan favors a nationwide reporting regulation that would be applied consistently to all states, yet still utilizes existing reporting programs as a basis. We appreciate EPA's goal of developing a regulation that relies on protocols and formats of existing programs, such as those of CARB and CCAR, in order to reduce the burden of reporting and duplication for affected entities. Additionally, the 25,000 metric tons is equivalent to the threshold in CARB's reporting rule.

**Response:** EPA thanks the commenter for their input. See the preamble for discussion of the relationship of this rule to other programs.

---

**Commenter Name:** Dale Backlund, Regulatory Affairs Leader, The DOW Chemical Company and Victoria Evans, National Practice Leader for Greenhouse Gases, URS Corporation

**Commenter Affiliation:** none

**Document Control Number:** EPA-HQ-OAR-2008-0508-1338

**Comment Excerpt Number:** 1

**Comment:** Dow encourages EPA toward alignment with the reporting requirements for greenhouse gases in the state of California under the Air Resources Board, so that divergent systems are not created. Without a harmonization of the reporting requirements for EPA and CARB, Dow operations in California will need to maintain two sets of data collection and reporting capabilities.

**Response:** See the preamble summary of comments and responses on the role of States and the relationship of this rule with other programs. Also see the preamble section on data collection, management and dissemination for information about the electronic data reporting system being developed for this rule.

---

**Commenter Name:** Barry R. Wallerstein

**Commenter Affiliation:** South Coast Air Quality Management District (SCAQMD)

**Document Control Number:** EPA-HQ-OAR-2008-0508-1147.1

**Comment Excerpt Number:** 2

**Comment:** Staff urges EPA to build on existing reporting mechanisms to consolidate and streamline greenhouse gas reporting. Local air districts, such as SCAQMD, already receive criteria and toxic pollutant emission data from industries within their jurisdiction. Data facilities use in calculating criteria and toxic emissions such as fuel usage is also used in calculating greenhouse gas emissions. For combustion equipment, there is about an 80% overlap in the data required for criteria and greenhouse gas emission calculations. SCAQMD staff believes we can provide value-added service to industries that are already subject to our district's emission reporting, emission audits and field inspections by streamlining the emissions reporting process to also include greenhouse gases. We have already modified our online emissions reporting software to include requirements of the California mandatory greenhouse gas reporting rule. Use of this system by facilities is voluntary, and we are working with the state to provide an efficient, streamlined reporting option for facilities.

**Response:** See the preamble summary of comments and responses on the role of States and the relationship of this rule with other programs. Also see the preamble section on data collection, management and dissemination for information about the electronic data reporting system being developed for this rule.

---

**Commenter Name:** Dan Elwell

**Commenter Affiliation:** Aerospace Industries Association (AIA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-1140.1

**Comment Excerpt Number:** 2

**Comment:** We urge conformance of the NPRM's definitions, as well as reporting format, to that of the Clean Air Act to avoid confusion and facilitate compliance.

**Response:** See the EPA's Response to Public Comments Subpart A-General Provisions for a summary revisions made to definitions in the final rule. See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding EPA's intent to develop an electronic data reporting system for this rule.

---

**Commenter Name:** Marcelle Shoop

**Commenter Affiliation:** Rio Tinto Services, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0636.1

**Comment Excerpt Number:** 3

**Comment:** Wherever possible, EPA should seek to achieve consistency with international protocols and programs.

**Response:** See the preamble for the response on the relationship of this rule to other programs. In developing the rule, EPA reviewed international programs and protocols and was consistent with the GHG emission calculation protocols to the extent feasible, given the scope and objectives of the reporting rule.

---

**Commenter Name:** Bruce R. Byrd

**Commenter Affiliation:** AT & T Services, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0426.1

**Comment Excerpt Number:** 4

**Comment:** As it crafts a final reporting rule, EPA should use its authority to harmonize the rule with state and local reporting rules. For example, President Obama recently announced an effort to harmonize mobile source regulations for GHG emissions across the EPA, the Department of Transportation, the State of California, and other states who intend to adopt the California program. EPA similarly should work to ensure a uniform, nationwide GHG reporting standard. Doing so is crucial to accomplishing the Agency's environmental goals, and would dramatically reduce the burdens on businesses as well. While uniformity is always less burdensome to nationwide businesses, given this rule's informational character, in this instance it is also crucial to the purposes of the rule itself. [footnote: The need for a uniform reporting rule is entirely consistent with the superiority of individualized regimes for individual businesses. As an example, mobile fleet operators should be allowed to determine how they wish to monitor their

own emissions. See *supra* at 6-7. But if they must report to the government, they should only be subject to federal reporting. The worst possible scenario would be for operators' emissions monitoring to be constrained by a tangle of overlapping, and potentially inconsistent, federal, state, and local mandates.] The information collected under any reporting rule will be useful to the extent that it can be compared across broad regions and sectors of industry. Harmonized federal and state requirements will make such comparisons possible. First, they will allow EPA to directly compare its data with older data taken from states that have already imposed such requirements. Second, they will allow EPA to use a broader dataset in states that use the same reporting requirements but apply them to a slightly wider set of sources. Third, because of their relative simplicity, uniform requirements will encourage voluntary reporting by companies that might be covered in some states, or at some facilities, but not in others. Fourth, promoting harmonization of the proposed rule and other reporting systems will ease the transition from voluntary reporting to mandatory reporting, and thereby encourage companies to get a head start by voluntarily reporting their emissions under a reporting regime that will eventually be uniform and nationwide. [footnote: To the extent that the proposed rule lays the groundwork for an eventual emissions trading scheme, uniform requirements will also be necessary to ensure that emissions are consistently calculated across jurisdictions.] To this end, we would encourage EPA to express in the preamble to the final rule the policy benefits of harmonizing other reporting systems with the national rule, and the need to promote consistency across the nation regarding thresholds and reporting requirements. Finally, harmonized requirements will help EPA comply with its statutory and pragmatic duties. As with other regulations, being required to report and monitor according to myriad nuanced state and local rules is expensive. EPA should not increase the burden on businesses when doing so also undercuts its informational goals. And harmonizing these reporting rules is necessary to fulfill EPA's duties under the Paperwork Reduction Act, which requires an agency to balance the paperwork burden imposed against the public benefit of the information requested. In this case no balance is required: the burden will be minimized and benefit maximized by harmonizing EPA's final rule with state reporting requirements.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response regarding consistent data reporting protocols and data collection systems. EPA is developing an electronic data reporting system for this rule as explained in the preamble. With respect to the Paperwork Reduction Act as it relates to this rule, see Section VIII.G of the preamble and Volume 7 (The Rule Development Process, Statutory and Executive Order Reviews, and Other Miscellaneous Comments). The rule does not require reporting of emissions or travel activity by mobile source fleet operators or State and local governments.

---

**Commenter Name:** Delaine W. Shane

**Commenter Affiliation:** Metropolitan Water District of Southern California (MWD)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0551.1

**Comment Excerpt Number:** 4

**Comment:** We note an error Page 16461 of the proposed Rule, which states that the first CARB reports are due in 2010, while they were actually due on June 1, 2009 for the first reporting year.

**Response:** EPA thanks the commenter for their input.

---

**Commenter Name:** See Table 5

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-1021.1

**Comment Excerpt Number:** 4

**Comment:** While great strides have been made by individual states and through regional programs such as The Climate Registry (TCR), these programs may not have been developed in a fully transparent fashion or with full public participation, and therefore cannot be simply imported wholesale by EPA for use in this rulemaking. It would be inappropriate for EPA to adopt, in whole or in part, any portion of an existing state or regional program without subjecting the applicable provision to full notice and comment rulemaking procedures in accordance with federal law.

**Response:** While EPA reviewed TCR and other State and regional programs in developing the reporting rule, we did not import State or regional programs but instead included the specific GHG monitoring methods and reporting requirements that are part of the EPA mandatory reporting rule in the proposed rule (40 CFR 16488, April 10, 2009). This provided full opportunity for public review and comment on the requirements of the reporting rule. The changes that have been made to the final reporting rule are in response to public comments. See the preamble for a summary of comments and responses on the relationship of this rule to other program.

---

**Commenter Name:** Michael Garvin

**Commenter Affiliation:** Pharmaceutical Research and Manufacturers of America (PhRMA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0959.1

**Comment Excerpt Number:** 5

**Comment:** The proposed GHG reporting rule would require reporting on a unit-by-unit basis for affected facilities. Current GHG voluntary schemes that require emissions reporting such as EPA's own Climate Leaders program, the Climate Registry, and the Chicago Climate Exchange require reporting at the facility level. These schemes allow for the use of monthly fuel invoice data across an entire facility as a means to confirm the basis of the GHG emissions calculated for the facility. Many of our PhRMA member companies have been voluntarily participating in these reporting schemes. Given that the use of facility-level reporting data is broadly accepted, PhRMA questions why EPA chose to go with a more detailed unit level reporting requirement for the proposed GHG reporting rule. Accordingly, we recommend that EPA act consistently with other programs and adopt a facility reporting requirement.

**Response:** See the preamble for responses on the level of reporting and the general content of the annual report. The preamble discusses the reasons for facility level emissions reporting along with breakdowns by source category, and by unit or process line for some source categories.

---

**Commenter Name:** Linda D. Sullivan

**Commenter Affiliation:** National Grid

**Document Control Number:** EPA-HQ-OAR-2008-0508-0608.1

**Comment Excerpt Number:** 5

**Comment:** National Grid currently is subject to mandatory reporting under the Acid Rain

Program, the Regional Greenhouse Gas Initiative ("RGGI"), and, as it is has operations in New Hampshire, Rhode Island, Massachusetts, and New York, has reporting obligations or will have obligations pursuant to a variety of State laws such as the Massachusetts Global Warming Solutions Act. These various reporting schemes impose different reporting thresholds and different reporting mechanisms. While National Grid supports a federal reporting requirement, it notes that the existing requirements already have created complicated and sometimes contradictory reporting requirements. For example, in one state National Grid is required to report when its emissions exceed 5,000 tpy CO<sub>2</sub> and under RGGI it also is required to report emissions if it generates 25 MW. These different reporting schemes unnecessarily add to the reporting burden and, as the total emissions reported will vary depending on the reporting regime, create confusion. National Grid encourages US EPA to create a single reporting scheme that contains a single threshold number and a single database for reporting. National Grid further requests that the US EPA work with the States and regional entities that either have existing reporting programs or are developing their own reporting programs to eliminate or minimize duplicative reporting requirements.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs. As discussed in the preamble, this reporting rule does not preempt or replace State rules, and EPA affirms that States can collect additional data under State rules and programs. As discussed in the preamble, EPA is continuing to work with State and regional programs to facilitate data exchange and reduce the burden on reporters.

---

**Commenter Name:** Matthew Frank

**Commenter Affiliation:** Wisconsin Department of Natural Resources

**Document Control Number:** EPA-HQ-OAR-2008-0508-1062.1

**Comment Excerpt Number:** 5

**Comment:** EPA should reconcile discrepancies between emissions data reported under this rule and data reported by companies under the Acid Rain program and the Air Emissions Reporting Rule (AERR).

**Response:** The reporting rule is consistent with ARP reporting and makes use of data already reported to ARP. EPA is also coordinating with the NEI program and other programs regarding data system compatibility and data exchange. See the preamble summary of comments and responses regarding the relationship of this rule to other programs.

---

**Commenter Name:** Laurie A. Lehmberg

**Commenter Affiliation:** Texas Instruments Incorporated (TI)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0682.1

**Comment Excerpt Number:** 5

**Comment:** The GHG Reporting rule that is ultimately implemented should ensure that reporting requirements are consistent with existing GHG emission estimation and reporting methodologies to reduce the reporting burden. TI believes that the proposed rules would result in significant burden and costs without significantly improving the quality of the data collected and reported as documented in the ISMI survey. We provide comments below that describe methods which will yield comparable precision and align with EPA's statutory authority and goals.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent GHG estimation protocols and data reporting.

---

**Commenter Name:** Jeanne Herb

**Commenter Affiliation:** New Jersey Department of Environmental Protection (NJDEP)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0834.1

**Comment Excerpt Number:** 7

**Comment:** To improve efficiency and effectiveness, reporting of greenhouse gas information should be consolidated with other environmental reporting requirements. The proposed rule appears to establish a separate, stand alone reporting requirement with its own reporting methods and reporting schedules that are not consistent with other environmental reporting requirements. Facilities covered under USEPA's proposed greenhouse gas rule already report various environmental data to state and federal programs. Greenhouse gas reporting should build upon this existing reporting. Greenhouse gas reporting in New Jersey is currently implemented through the existing Emission Statement program. On page 16461 of the proposed rule, USEPA seeks comment on "whether the conclusions drawn during its review of existing programs are accurate and invites data to demonstrate if, and if so how, the goals and objectives of this proposed mandatory reporting system could be met through existing programs. In particular, comments should address how existing programs meet the breadth of sources reporting, thresholds for reporting, consistency and stringency of methods for reporting, level of reporting, frequency of reporting and verification of reports included in this proposal." Below, additional details are provided on NJDEP's greenhouse gas reporting program not completely captured in the USEPA preamble or Technical Support Documents EPA-HQ-OAR- 2008-0508-054 and 56. New Jersey rules (N.J.A.C. 7:27-21.3(b) have required reporting of COB2B and methane since 2003. The NJDEP approach to thresholds consolidates reporting of greenhouse gas information with other environmental reporting. Reporting for COB2B and methane is based on releases of other criteria air pollutants. If a facility exceeds thresholds for other air contaminants, it must report COB2B and methane regardless of the quantity released. This approach to thresholds relies on existing reporters. It does not add "new reporters" as USEPA is concerned about. Facilities are already reporting data to the NJDEP and are tracking the necessary data, such as fuel use, to be able to readily calculate greenhouse gas releases. The NJDEP recently proposed additional reporting for greenhouse gases pursuant to the Global Warming Response Act (see 41 N.J.R. 37(a)). The proposed new rules include three new reporting requirements: (1) reporting of releases by stationary sources of greenhouse gases other than COB2B above a threshold of 2,500 tons/yr; (2) reporting of fossil fuel use by manufacturers and distributors of fossil fuel, including prime suppliers, gas public utilities, and natural gas pipeline operators; and (3) reporting of storage quantities of greenhouse gases (other than COB2B and methane) above threshold quantities. This proposed reporting is also implemented through existing reporting mechanisms. Reporting of releases by stationary sources is implemented through the Emission Statement program. Reporting of fossil fuel use and quantities of greenhouse gases stored is proposed to be implemented through New Jersey's Worker and Community Right to Know program.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs. As discussed in the preamble, this reporting rule does not preempt or replace State rules, and EPA affirms that States can collect additional data under State rules and

programs. As discussed in the preamble, EPA is developing an electronic data collection system for the GHG reporting rule and is continuing to work with State and regional programs to facilitate data exchange and reduce the burden on reporters.

EPA is not going final with subpart KK (Suppliers of Coal), subpart W (Oil and Natural Gas Systems), subpart FF (Underground Coal Mines). As we consider next steps, we will be reviewing the public comments and other relevant information. Therefore, we are not responding to comments on these subparts at this time.

---

**Commenter Name:** See Table 6

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0635

**Comment Excerpt Number:** 8

**Comment:** EPA should also plan to link its GHG emissions database with existing databases and inventories of criteria and hazardous air pollutants. A common interface should be used for all these databases. This approach will allow for more comprehensive tracking of emissions and provide valuable information for use harmonizing GHG reductions with efforts to control other pollutants and prevent air quality degradation.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs. As discussed in the preamble, EPA is developing an electronic reporting system and working with other programs to facilitate data exchange.

---

**Commenter Name:** See Table 4

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0679.1

**Comment Excerpt Number:** 9

**Comment:** EPA reviewed existing federal, regional and state GHG emissions reporting programs, covering both voluntary and mandatory reporting initiatives. EPA concluded that none of the existing programs meets all the requirements set forth for a nationwide program regarding breadth of coverage and uniformity of reporting. EPA uses the conclusions of their review as the basic rationale for the program that they are proposing, and are seeking comments on their findings. "EPA seeks comment on whether the conclusions drawn during its review of existing programs are accurate and invites data to demonstrate if, and if so how, the goals and objectives of this proposed mandatory reporting system could be met through existing programs. In particular, comments should address how existing programs meet the breadth of sources reporting, thresholds for reporting, consistency and stringency of methods for reporting, level of reporting, frequency of reporting and verification of reports included in this proposal." (74 FR 68, page 16461) API comments API supports the need for a single, harmonized, national GHG reporting program. Such a program should ensure data uniformity and fungibility and strive to avoid a burdensome patchwork of conflicting definitions and reporting rules. Since atmospheric releases of GHGs are dealt with by national negotiations on a global basis, there is a need for a nationwide reporting program that is based on a common set of authorities, rules, and procedures. As previously communicated by API to EPA, API recommends for this initial data collection phase - that GHG emission estimates developed under state-only programs should be

acceptable and sufficient for meeting federal reporting obligations. Additional elements including measurements, reporting and data certification requirements should be addressed if and when an emissions reduction program is defined.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. As discussed in the preamble, the reporting rule required reporters to submit electronic reports directly to EPA to develop a consistent, national database of GHG emissions. This rule does not replace state programs, which often have different scopes and focus than the national rule. As discussed in the preamble, EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange and reduce the burden on reporters.

---

**Commenter Name:** John M. McManus

**Commenter Affiliation:** American Electric Power

**Document Control Number:** EPA-HQ-OAR-2008-0508-0725.1

**Comment Excerpt Number:** 9

**Comment:** The list of GHG reporting programs does not include the Chicago Climate Exchange. For AEP, the GHG reporting requirements of EPA's proposed mandatory reporting program is most like the Chicago Climate Exchange rules. We believe that a reference to the CCX program is appropriate. Virginia does not have a mandatory GHG reporting rule (footnote under State Mandatory GHG Reporting Rules page 63 of MRR Preamble pdf).

**Response:** EPA thanks the commenter for their input.

---

**Commenter Name:** Edgar O. Morris

**Commenter Affiliation:** Mosaic Fertilizer Company LLC

**Document Control Number:** EPA-HQ-OAR-2008-0508-0687.1

**Comment Excerpt Number:** 16

**Comment:** Mosaic recognizes the existence of state GHG reporting requirements, but suggests that EPA make a vigorous effort to promote harmonization in order to avoid duplicative or confusing requirements. The Agency should seek to ensure consistency between federal and state requirements, and to reduce conflicting and inconsistent reporting obligations.

**Response:** See Section the preamble for the response on the relationship of this rule to other programs.

---

**Commenter Name:** Michael Garvin

**Commenter Affiliation:** Pharmaceutical Research and Manufacturers of America (PhRMA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0959.1

**Comment Excerpt Number:** 23

**Comment:** In closing, PhRMA endorses the need to quantify emissions of GHG by U.S. industry. We note to EPA that this rule is being proposed during a time of significant economic stress on U.S. industry. Imposition of an unnecessarily complex, expensive system will be a significant burden on U.S. industry. The objectives of this rulemaking can be achieved much



more efficiently and cost-effectively by implementing a program that duplicates Scope 1 reporting under the Climate Leaders program. EPA should adopt Climate Leaders for the vast majority of U.S. industry.

**Response:** See the preamble for discussion of the relationship between this rule and other programs. The reporting rule was developed to collect consistent, national facility-level and supplier data on GHG emissions, consistent with the request from Congress in the FY2008 Appropriations Act. The data will be shared for use by policy makers, EPA, States, the public, and other stakeholders to analyze and develop GHG policies and programs. EPA is developing an electronic reporting system and outreach materials and training to assist facilities that are required to report under the rule. EPA is working with States and other programs to developing an efficient and timely system to share data with other programs and reduce the burden on reporters.

---

**Commenter Name:** See Table 3

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0433.2

**Comment Excerpt Number:** 36

**Comment:** In addition to avoiding undue, duplicative, resource-wasteful and expensive reporting and recordkeeping by creating conflicts within and among the various states, the industry feels it is critical to maintain consistency and continuity among the various rules with which industry must comply.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent data reporting protocols and data systems.

---

**Commenter Name:** Alice Edwards

**Commenter Affiliation:** Alaska Department of Environmental Conservation (ADEC)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0720.1

**Comment Excerpt Number:** 1

**Comment:** The proposal indicates a goal of having GHG reporting supplement and complement, rather than duplicate other federal programs and non-federal GHG programs. This proposal, however, could be viewed as more duplicative than "complementary" and ADEC believes that there are ways to further streamline and avoid duplicative activities in reporting these data.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent protocols and data systems.

---

**Commenter Name:** Chris Korleski

**Commenter Affiliation:** State of Ohio Environmental Protection Agency

**Document Control Number:** EPA-HQ-OAR-2008-0508-0598.1

**Comment Excerpt Number:** 1

**Comment:** U.S. EPA is currently not implementing a "bottom-up" national approach to measuring the U.S. economy's GHG sources, which is essential for states like Ohio that do not have a greenhouse gas emission inventory. A mandatory national greenhouse gas reporting rule will alleviate the burden on businesses that operate in multiple states subject to diverse requirements.

**Response:** EPA thanks the commenter for their input. The final rule requires facility level reporting to EPA through an electronic data collection system, and EPA intends to share collected data with States and the public in a timely manner.

---

**Commenter Name:** Nina Odell

**Commenter Affiliation:** Puget Sound Energy, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0980.1

**Comment Excerpt Number:** 1

**Comment:** EPA's Proposed Rule may conflict with other existing voluntary and mandatory reporting programs, and integrating these voluntary programs with this proposed rule may be difficult.. This is true for Washington. Our state environmental regulatory authority, the Department of Ecology (Ecology), is currently drafting its own proposal for the reporting greenhouse gas emissions For reference, the most recent set of comments we provided to Ecology on its draft rule are included with this transmittal. [See DCN:EPA-HQ-OAR-2008-0508-0980.2 for a copy of PSE's comments to Washington State Department of Ecology.]

**Response:** See the preamble for discussion of the role of States and the relationship of this rule to State programs. As discussed in the preamble, this reporting rule does not preempt or replace State rules, and EPA affirms that States can collect additional data under State rules and programs. EPA is continuing to work with States and other programs to facilitate data exchange and reduce the burden on reporters. EPA appreciates the commenter's forwarding its comments to Ecology for reference, as those comments are not specifically in reference to this rule, we are treating them only as having been provided for informational purposes and are not responding to each specifically.

---

**Commenter Name:** John Quinn

**Commenter Affiliation:** Constellation Energy

**Document Control Number:** EPA-HQ-OAR-2008-0508-0668.1

**Comment Excerpt Number:** 1

**Comment:** The proposal rightly incorporates existing monitoring and recordkeeping requirements where they are available. Use of Acid rain monitoring systems with their associated quality control procedures makes perfect sense and eliminates the need for third party certification.

**Response:** EPA thanks the commenter for their input.

---

**Commenter Name:** Scott Davis

**Commenter Affiliation:** Arizona Public Service (APS)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0639.1

**Comment Excerpt Number: 1**

**Comment:** APS believes that the greenhouse gas reporting program proposed by EPA is consistent with Congressional intent in establishing a mandatory program. In particular, APS is in full agreement with EPA's position that the existing Acid Rain Program monitoring and reporting requirements found in 40 CFR Part 75 satisfy Congress's directive under the FY 2008 Consolidated Appropriations Act. APS believes that the reporting protocols in Part 75 are well understood and certainly stringent enough to ensure that data reported under these requirements will be transparent and credible - critical to ensuring the viability of potential future market based approach to regulating greenhouse gas emissions.

**Response:** EPA thanks the commenter for their input.

---

**Commenter Name:** Bill Thompson

**Commenter Affiliation:** National Tribal Air Association (NTAA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-1144.1

**Comment Excerpt Number: 1**

**Comment:** Given that the proposed reporting rule will establish the foundation for future federal greenhouse gas (GHG) initiatives, and given the needs of states, Indian tribes and companies for comprehensive high quality GHG data to inform their decision-making, the NTAA believes that it is critical that the final rule works in concert with existing GHG programs as well as TCR's voluntary program to continue to acknowledge, encourage and reinforce the activities outside the federal government which complement and enhance a mandatory national GHG reporting program. Our organization therefore recommends that the EPA: 1. Support state and tribal initiatives to adopt GHG reporting requirements that exceed federal requirements, and provide states and tribes with information to craft innovative programs to address GHG emissions within their respective jurisdictions; 2. Give states and tribes the option to collect the federal mandatory GHG data on behalf of the EPA, if desired; and 3. Support reporting solutions that allow organizations to easily participate in valuable voluntary reporting programs as well as comply with state, tribal and federal mandatory reporting requirements. The NTAA recognizes the opportunity for the EPA to partner with the TCR to develop information technology solutions that will ensure consistency in GHG accounting and reporting across jurisdictions and ease the burden on companies facing different reporting requirements at the tribal, state, provincial, regional, and federal levels.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. As stated in the preamble, this reporting rule does not replace State or Tribal GHG reporting rules and programs and they are free to collect additional data. EPA is continuing to work with TCR, States, and other programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Jeff A. Myrom

**Commenter Affiliation:** MidAmerican Energy Holdings Company

**Document Control Number:** EPA-HQ-OAR-2008-0508-0581.1

**Comment Excerpt Number: 2**

**Comment:** EPA's conclusion that existing programs can not meet the goals and objectives of the

proposed rule is correct. The proposed rule is designed to create a national, annual emissions inventory. As such, all data collected and reported must follow the exact same procedures to ensure that consistent, accurate, and credible data is obtained. Utilizing existing state or regional programs or delegating authority to the states is strongly discouraged because the result would be at least fifty (50) different sets of rules and procedures for greenhouse gas emissions reporting—a result that can and should be avoided through the development of a federal reporting mechanism. Rather than allowing each state to develop its own reporting rules, EPA should create a federal database that captures emissions reporting information in such a manner so as to provide a way to obtain a subset of the national emissions data on a state or regional level through a simple query. GHG emissions are a global issue and their reporting should be done at one central point, through EPA's federal, mandatory, GHG reporting rule.

**Response:** See the preamble summary of comments and responses on the role of States and the relationship of this rule with other programs.

---

**Commenter Name:** [name not given]

**Commenter Affiliation:** Texas Association of Business

**Document Control Number:** EPA-HQ-OAR-2008-0508-0698

**Comment Excerpt Number:** 2

**Comment:** The rule should be consistent with existing state and regional requirements for the purpose of minimizing additional regulatory burdens and costs.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent protocols and data systems.

---

**Commenter Name:** Larry R. Soward

**Commenter Affiliation:** Texas Commission on Environmental Quality (TCEQ)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0619

**Comment Excerpt Number:** 3

**Comment:** One reason the TCEQ has not acted is because it has not put itself in any informed position to act. The requisite data --- a meaningful inventory of GHG emissions in Texas --- is not available to help formulate any effective, supportable action plan. Texas' current emissions inventory does not include carbon dioxide (CO<sub>2</sub>) because it is not an ozone precursor and because it has not been designated a criteria or hazardous air pollutant as of yet. And because the TCEQ does not currently regulate CO<sub>2</sub> in the air permitting processes in Texas, it is not required to be reported by its point source emitters. To date, the TCEQ has allowed point source emitters to voluntarily report GHG emissions --- but few have done so. For the few entities which have chosen to voluntarily report, there's no required verification or quality assurance and quality control of the data submitted. Without these appropriate and vital protocols, this totally voluntary reporting makes a complete and meaningful GHG inventory practically impossible. The EPA states in the preamble of the proposed rule that it "would be particularly interested in receiving comment on the relationship between this proposal and other government efforts," and that it "would like comments on the interrelationship of this proposal and existing GHG reporting programs." Unfortunately, Texas has made no such efforts, and therefore has no meaningful experience to share in this critical endeavor.

**Response:** EPA thanks the commenter for their input.

---

**Commenter Name:** Mary Munn

**Commenter Affiliation:** Fond du Lac Band of Lake Superior Chippewa

**Document Control Number:** EPA-HQ-OAR-2008-0508-0596

**Comment Excerpt Number:** 3

**Comment:** Consistency with existing state regulations must be accommodated.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistency.

---

**Commenter Name:** Vince Brisini

**Commenter Affiliation:** RRI Energy Inc. (RRI)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0618.1

**Comment Excerpt Number:** 3

**Comment:** U.S. EPA should allow companies to use emissions information reported through state-required annual emissions reports—which include Part 75 data and HHV data---to comply with the reporting requirements of the proposed GHG rule. RRI currently measures and reports CO<sub>2</sub> emissions using CEMS for all coal fired boilers as required by Part 75. However, not all acid rain affected units monitor CO<sub>2</sub>, and non-acid rain affected units do not typically monitor CO<sub>2</sub>. However, RRI has the data necessary to quantify and report CO<sub>2</sub> emissions even if there isn't another specific requirement to quantify and report CO<sub>2</sub> emissions. Therefore, it would be efficient and adequately accurate if companies could use data of the same quality to report GHG emissions (e.g. CEMS data, or file usage and HHV data) to U.S. EPA in a new report instead of being required by U.S. EPA to submit additional reports using differently quantified data as specified in the proposed GHG reporting rule. By allowing flexibility with regards to the sources of information, U.S. EPA will be helping companies in streamlining the data collection and reporting process for GHGs. This would be an important step in mitigating the costs associated with annual reporting through multiple venues. U.S. EPA should continue to work with states to establish consistency between its mandatory GHG reporting requirements and other U.S. EPA and state reporting programs in order to minimize the costs and administrative burden that result from reporting through multiple venues.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent protocols and data collection systems. See the preamble and comment response documents of subparts C and D (general stationary combustion sources and electrical generating units) for responses on consistency with ARP and on provisions that have been added to the rule to better accommodate units that are not in the ARP but are required by other regulatory programs to report part 75 emissions and heat input data (e.g., RGGI units and CAIR units).

---

**Commenter Name:** Matthew G. Paulson

**Commenter Affiliation:** LLP on behalf of BCCA Appeal Group

**Document Control Number:** EPA-HQ-OAR-2008-0508-0649.1

**Comment Excerpt Number: 4**

**Comment:** The GHG reporting rule should be consistent with and utilize to the extent possible existing federal, regional, and state emissions data collection methods and reporting frameworks. Consistency with existing emissions reporting programs will reduce the burden on facilities currently reporting emissions under other programs by making GHG reporting more compatible with other emissions reporting requirements.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent protocols and data systems. EPA is developing an electronic data reporting system for this rule as explained in the preamble.

---

**Commenter Name:** Melinda L. Tomaino

**Commenter Affiliation:** Associated General Contractors of America (AGC)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0628.1

**Comment Excerpt Number:** 4

**Comment:** The proposal also acknowledges the role that the Climate Registry plays in standardizing GHG accounting and reporting rules across multiple jurisdictions and providing businesses with a means of publicly recording their emissions in a single consistent and comparable report. According to EPA, the Climate Registry “would provide States support in reporting tools, database management and serve as the ultimate repository for data reported under state programs, after the States have verified the data.” AGC urges EPA to go even farther and to consider using the protocols being developed by the Climate Registry as a model for its federal program.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Claire Olson

**Commenter Affiliation:** Basin Electric Power Cooperative

**Document Control Number:** EPA-HQ-OAR-2008-0508-0637.1

**Comment Excerpt Number:** 5

**Comment:** Basin Electric urges the EPA to integrate and synchronize the proposed program with existing federal programs whenever possible. This will minimize the reporting burden. The two most important programs to integrate with this proposed effort are the reporting of continuous emissions monitoring system (CEMS) data under the Clean Air Act and EPA’s SF6 Emission Reduction Partnership for Electric Power Systems. This includes integration of both the data management and reporting systems and the underlying methodologies. In doing so, EPA would help minimize the problems for the reporting entities that are associated with having conflicting sets of data in the public domain by synchronizing the emissions measurement and quantification protocols.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent protocols and data systems.

---

**Commenter Name:** Dan F. Hunter  
**Commenter Affiliation:** ConocoPhillips Company  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0515.1  
**Comment Excerpt Number:** 10

**Comment:** ConocoPhillips supports EPA's basic premise that there is a need for a uniform federal program for reporting GHG emissions from all sectors of the economy. ConocoPhillips encourages EPA to minimize the ability for states to impose separate or additional reporting requirements. If the rule was published final today, ConocoPhillips facilities in California would have to maintain two separate GHG reporting programs to comply with the California and federal regulations. Additional state requirements would increase the complexity and burden for facility compliance.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding EPA's goal of consistent data reporting protocols and data systems. EPA is continuing to work with TCR, States, and other programs to develop systems that facilitate efficient data exchange and reduce the burden on reporters. See the preamble for discussion of the role of States and the relationship of this rule to State programs. As discussed in the preamble, this reporting rule does not preempt or replace State rules, and EPA affirms that States can collect additional data under State rules and programs. For a full response to this and other comments on preemption of state rules, see the volume of this document titled "Legal Issues".

---

**Commenter Name:** John H. Skinner  
**Commenter Affiliation:** Solid Waste Association of North America (SWANA)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0659.1  
**Comment Excerpt Number:** 11

**Comment:** The proposed reporting rule is an additional regulation and reporting protocol for solid waste operations which are already reporting emissions data on an annual basis for a number of regulatory programs, including existing climate programs and registries. More integration and coordination is needed between this program and other similar programs throughout the United States so that the burden of additional reporting and monitoring may be reduced.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs.

---

**Commenter Name:** Sarah E. Amick  
**Commenter Affiliation:** The Rubber Manufacturers Association (RMA)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0647.1  
**Comment Excerpt Number:** 11

**Comment:** It is unclear from the NPRM how the proposed rule will operate in conjunction with existing local and state greenhouse gas reporting requirements. RMA recommends that the NPRM strive to achieve consistency with existing local and state greenhouse gas reporting requirements. Again, RMA advocates the standardization of international, national, state and

local greenhouse gas reporting programs to the greatest extent possible. The global nature of greenhouse gases warrants the necessity for consistency and standardization in reporting programs.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent protocols and data systems.

---

**Commenter Name:** David Rich

**Commenter Affiliation:** World Resources Institute (WRI)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0642.1

**Comment Excerpt Number:** 15

**Comment:** Within the next few years, many observers expect the Securities and Exchange Commission (SEC) to require annual reporting of GHG emissions data from publicly traded companies for which climate change poses a material financial risk. This comes in response to demands by investors and environmental advocates that companies are not currently disclosing their financial risks associated with climate change. EPA should actively coordinate with the SEC to ensure that high quality corporate-level GHG data is reported in annual financial filings and that the SEC leverages the data reported to EPA under this proposed rule. As a step toward coordination, EPA should require that all sources and facilities reporting to EPA identify their parent company and their place in the company's organizational structure to allow individual facilities to be readily associated with their parent companies and to facilitate linkages with corporate GHG reporting mandated by the SEC.

**Response:** Except for suppliers which must report at the corporate level, all other source categories must report at the facility level. See the preamble for the rational for selection of facility level reporting and for information on the relationship between this rule and other programs.

---

**Commenter Name:** Thomas M. Ward

**Commenter Affiliation:** Novelis Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0561.1

**Comment Excerpt Number:** 19

**Comment:** EPA requests comment on the consistency of the proposed reporting protocol to collect data relative to other programs. Of which there are several to borrow from. Novelis believes that the proposed rule should be modified to ensure that the protocol is as consistent as possible with existing reporting programs that have been well vetted and found to be accurate and consistent with international reporting requirements. For example, the current Climate Leaders program provides such a reporting model that could be adopted. As noted above, Climate Leaders has a verified reporting protocol for fuel combustion sources that should be incorporated into the reporting protocol. In addition, the Climate Leaders program has provision for participating industries to develop Inventory Management Plan (IMP) and quality assurance protocols that conform to international reporting standards established by the World Resources Institute — World Business Counsel on Sustainable Development (WRI - WBCSD). The IMP requirements under Climate Leaders are rigorous and have been successfully audited by EPA and associated consultants. This provides an easily transferable mechanism to the GHG reporting protocol and achieves cost savings for the voluntary Climate Leader participants to help further



reduce the cost of the reporting program while lending credibility to the program due to the robust data supporting the accuracy of the Climate Leader's approach. Associated quality assurance provisions should also transfer from Climate Leaders to the GHG reporting protocol to lend further credibility.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs regarding consistent protocols and data systems.

---

**Commenter Name:** Edward N. Saccoccia

**Commenter Affiliation:** Praxair Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0977.1

**Comment Excerpt Number:** 30

**Comment:** Praxair certainly supports EPA working to harmonize state reporting programs with EPA. A patchwork system of numerous inconsistent GHG emissions reporting programs throughout the United States will be very confusing, inefficient, and costly.

**Response:** EPA thanks the commenter for their input. See the preamble summary of comments and responses on the relationship of this rule with other programs regarding consistent protocols and data systems.

---

**Commenter Name:** Douglas P. Scott

**Commenter Affiliation:** Illinois Environmental Protection Agency (Illinois EPA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0387.1

**Comment Excerpt Number:** 1

**Comment:** The reporting rule should be designed to ensure consistency of GHG reporting for all sources and states. There should be national consistency in data collection, emissions calculation, data verification, and reporting so that policies and rules can be established in a fair and equitable manner.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent protocols and data systems. As discussed in the preamble, EPA affirms that States can collect additional data under State rules and programs. EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange and reduce the burden on reporters.

---

**Commenter Name:** Paul Dubenetzky

**Commenter Affiliation:** KERAMIDA Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0419.1

**Comment Excerpt Number:** 1

**Comment:** KERAMIDA believes that, for the most part, the proposed rule satisfies the goals identified by the U.S. EPA. At the most, the proposed rule is an interim measure subject to more specific treatment by future programs. The calculation and documentation of GHG emissions is by its nature a complicated process. The U.S. EPA should seek to establish technically credible procedures while minimizing the burden on the regulated entities to the extent practical. To the

extent that The Climate Registry's (TCR's) GHG emissions reporting protocol is the underlying basis of the existing mandatory reporting programs of the states, the U.S. EPA should balance consistency with TCR with practical considerations to minimize the burden on reporters.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent protocols and data systems.

---

**Commenter Name:** Douglas P. Scott

**Commenter Affiliation:** The Climate Registry

**Document Control Number:** EPA-HQ-OAR-2008-0508-0567.2

**Comment Excerpt Number:** 1

**Comment:** As EPA acknowledges in the draft MRR, states and state-based programs like The Registry have been leaders in establishing voluntary and mandatory GHG reporting programs to date. The Registry's voluntary program, which currently includes approximately 330 members, ranging from large Fortune 500 companies to small businesses to local government agencies, has helped companies and organizations develop corporate-wide GHG inventories for their operations across North America. These organizations have demonstrated environmental leadership by acting in advance of regulatory requirements to report and reduce their emissions, and they have utilized their GHG inventories to proactively manage, reduce and publicly report their carbon footprint, manage risk, and reduce waste and inefficiency. Through The Registry's voluntary program this important information can be shared with shareholders, investors, customers, employees and the general public. Finally, The Registry's voluntary reporting program has also been instrumental in helping companies prepare for mandatory GHG programs. Many states have implemented (or are planning to implement) state mandatory GHG reporting requirements that go beyond the scope of EPA's proposed mandatory reporting rule (i.e., thresholds lower than 25,000 mtCO<sub>2</sub>e, all Title V facilities, etc.) These programs provide essential information to policy-makers interested in understanding GHG emission trends and the sources of GHG emissions in their states. State-based and other GHG initiatives provide an important complement to EPA's proposed facility-based mandatory reporting program—providing useful and comprehensive information to address climate changing emissions from a wide range of sources (both large and small) and supporting innovative solutions to manage carbon. Given that EPA's MRR will establish the foundation for future federal GHG initiatives, and given the continuing needs of states and companies for comprehensive high quality GHG data to inform their decision-making, The Registry believes it is critical that EPA's mandatory GHG program work in concert with existing state GHG programs as well as The Registry's voluntary program to continue to acknowledge, encourage and reinforce the activities of states and organizations which complement and enhance the federal mandatory reporting program. At a minimum, The Registry urges EPA to: 1. Encourage companies, local governments, institutions and other organizations to go beyond minimum federal mandatory reporting requirements and encourage regulated parties to also participate in The Registry's voluntary program to capture their total corporate GHG footprints. 2. Support state and tribal initiatives to adopt GHG reporting requirements that exceed federal requirements and provide states with information to craft innovative programs to address GHG emissions in their states. 3. Give states and tribes the option to collect the federal mandatory GHG data on behalf of EPA, if desired. 4. Support reporting and data collection options that allow organizations to easily participate in valuable voluntary reporting programs, as well as comply with state and federal mandatory reporting requirements.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. As discussed in the preamble, EPA affirms that States can collect additional data under State rules and programs. EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Leslie Sue Ritts

**Commenter Affiliation:** National Environmental Development Association

**Document Control Number:** EPA-HQ-OAR-2008-0508-0504.1

**Comment Excerpt Number:** 1

**Comment:** NEDA/CAP submits that a single national reporting program, with data readily available to states to support their complimentary programs, would assure consistent, comprehensive data, and reconcile the evolving patchwork of disconnected regional, state and local reporting rules.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent protocols and data systems. EPA is developing an electronic data reporting system for this rule as explained in the preamble and intends to share collected data with States and the public in a timely fashion. However as discussed in the preamble, this reporting rule does not preempt or replace State rules and programs, and States are free to collect additional data.

---

**Commenter Name:** Wesley L. McNealy

**Commenter Affiliation:** Pepco Holdings, Inc. (PHI)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0547.1

**Comment Excerpt Number:** 1

**Comment:** To the extent practicable, EPA should strive for reporting that is consistent between state and federal programs to avoid sources having to report different or dissimilar information to multiple levels of government or multiple agencies. Differences in reporting requirements (including emissions thresholds, scope of reporting, methodologies, reporting deadlines, etc.) not only increase the administrative burden of reporting on companies, but also obscure the data for use by the public. For example, a source could end up reporting one set of emissions data to EPA and another to individual states. If these registries utilize different thresholds or categories, an entity's reporting data, while accurate, could be markedly different, which would make it more difficult for the public to assess entities' greenhouse gas performance.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent protocols and data systems. EPA is developing an electronic data reporting system for this rule as explained in the preamble and intends to share collected data with States and the public in a timely fashion. However as discussed in the preamble, this reporting rule does not preempt or replace State rules and programs, and States are free to collect additional data.

---

**Commenter Name:** Laurie Zelnio

**Commenter Affiliation:** Deere & Company

**Document Control Number:** EPA-HQ-OAR-2008-0508-0355.1

**Comment Excerpt Number:** 2

**Comment:** As the intent of the proposed mandatory GHG rule is not to preempt State programs but to complement them, many facilities will need to report GHG emissions twice. In addition to harmonizing State and Federal data management systems, every effort should be made to ensure reporting definitions are the same, e.g. which sources are considered stationary. With the reported information publicly available, a means to distinguish why data reported from the same facility may differ between State and Federal reporting is needed.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs for the response regarding consistent protocols and data systems. EPA is developing an electronic data reporting system for this rule as explained in the preamble and intends to share collected data with States and the public in a timely fashion. However as discussed in the preamble, this reporting rule does not preempt or replace State rules and programs, and States are free to collect additional data. Given the different scopes of different reporting programs, we acknowledge that a facility could report different annual emissions to different programs.

---

**Commenter Name:** Bryan L. Brendle

**Commenter Affiliation:** National Association of Manufacturers

**Document Control Number:** EPA-HQ-OAR-2008-0508-0572.1

**Comment Excerpt Number:** 2

**Comment:** If the EPA creates a robust emission inventory and GHG reduction reporting system, it should use as a base the work already done by the Climate Registry of North America, the Department of Energy's (DOE) 1605(b) greenhouse gas reduction registry, the EPA in its Climate Leaders Program, and the Chicago Climate Exchange, among other programs. Such a registry should also incorporate best practices from the various state climate registries, while requiring states to use the new federal system in lieu of their own. A comprehensive, federal GHG registry must ensure that emissions created while manufacturing energy-efficient products are offset with the long-term energy savings of such products. The EPA's Climate Leaders Program illustrates how existing public-private partnerships can serve as a model for a successful environmental program. Climate Partners has gathered a wealth of emissions data and best practices through partnerships with more than 250 companies that should be used to implement a comprehensive federal GHG registry. This program, according to 2007 data, represents a cross-section of the U.S. economy, demonstrating how an economy-wide program may be implemented. It also represents 8 percent of the country's total GHG emissions.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs. As discussed in the preamble, this rule is one specific action to collect emissions data from facilities and suppliers consistent with a request from Congress in the FY2008 Appropriations Act. Other programs, such as those mentioned by the commenter, have a broader scope and may include reporting of emissions reductions, energy efficiency, and other information that is valuable for addressing climate issues.

---

**Commenter Name:** Michael Bradley

**Commenter Affiliation:** The Clean Energy Group (CEG)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0479.1

**Comment Excerpt Number:** 2

**Comment:** The Clean Energy Group would support EPA consideration of alternatives to doublereporting at the federal and state levels, such as incentivizing states to fold state-level emissions reporting programs into the federal program to the extent possible. For example, EPA could encourage states to use the federal reporting data for the covered greenhouse gases and operations, and supplement with reporting of additional gases at the state level if desired.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs.

---

**Commenter Name:** Douglas P. Scott

**Commenter Affiliation:** Illinois Environmental Protection Agency (Illinois EPA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0387.1

**Comment Excerpt Number:** 2

**Comment:** The reporting rule should seek to be consistent and support reporting solutions that allow organizations to easily participate in valuable voluntary reporting programs, such as The Climate Registry (TCR), as well as comply with state and federal mandatory reporting requirements.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs.

---

**Commenter Name:** Wesley L. McNealy

**Commenter Affiliation:** Pepco Holdings, Inc. (PHI)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0547.1

**Comment Excerpt Number:** 2

**Comment:** PHI contends that EPA should not incorporate state, regional, or voluntary greenhouse gas reporting programs without subjecting the applicable provision of any such program to full federal notice and comment rulemaking procedures. It would be inappropriate for EPA to adopt, in whole or in part, any portion of an existing state or regional program without subjecting the applicable provision to full notice and comment rulemaking procedures in accordance with federal law.

**Response:** While EPA reviewed other State, regional, and voluntary programs in developing the reporting rule and in some cases selected the same or similar monitoring protocols to those used in these other programs, the requirements were included in the proposal for this rule. We therefore provided full opportunity for public review and comment on the requirements of the reporting rule, including those monitoring methods that are the same or similar to those used in other programs. The changes that have been made to the final reporting rule are in response to public comments. See the preamble for a summary of comments and responses on the relationship of this rule to other program.

---

**Commenter Name:** Laurie Burt

**Commenter Affiliation:** Massachusetts Department of Environmental Protection

**Document Control Number:** EPA-HQ-OAR-2008-0508-0453.1

**Comment Excerpt Number:** 2

**Comment:** We believe that there will continue to be an important role for The Climate Registry (TCR): to provide a voluntary registry for U.S.-based GHG sources to submit comprehensive nationwide, North American or world-wide GHG emission reports. We also note that TCR is currently building capacity to support mandatory state programs and that we plan to establish a regional registry, possibly The Climate Registry, to support our reporting program, regardless of whether EPA allows states to collect data on its behalf. Therefore, at a minimum, Massachusetts urges EPA to work with the states and TCR to help ensure that EPA's data collection system, state data collection systems and TCR's Climate Registry Information System (CRIS) application are seamlessly integrated, so that GHG reporting requirements are consistent and data can be easily exchanged between programs. This is essential for reducing the reporting burden for regulated parties who are required to report and for those who are interested in reporting GHG emissions to more than one registry and to provide EPA, state agencies, and the public with a comprehensive and consistent picture of GHG emissions across the country.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Peter Boag

**Commenter Affiliation:** Canadian Petroleum Products Institute (CPPI)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0428.1

**Comment Excerpt Number:** 2

**Comment:** The proliferation of proposals for reporting is a symptom of bigger problems. There must be one and only one reporting requirement for facilities. The WCI quite rightly notes the number of jurisdictions developing proposals for reporting GHG emissions and other relevant information. CPPI is becoming increasingly concerned "pride in authorship" will overtake a sensible discussion about a single window reporting system for its members. In the Canadian context, large final emitters already have experience with two mandatory reporting obligations and would argue the WCI has given no regard to what has actually already worked and what hasn't.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA has carefully reviewed other programs and adopted consistent protocols where feasible. EPA is working with other programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Arthur N. Marin

**Commenter Affiliation:** Northeast States for Coordinated Air Use Management (NESCAUM)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0556.1

**Comment Excerpt Number:** 3

**Comment:** EPA should develop a GHG reporting program that has the following attributes: Recognizes The Climate Registry and state knowledge: EPA must consider the role and work to date of the states through The Climate Registry, especially with respect to the design of the data reporting platform. At a minimum, EPA must adopt consistent data reporting guidelines, calculation methodologies, GHG conversion factors, and emissions factors. EPA should also strive to ensure that entities that report to The Climate Registry can easily migrate their data to the federal reporting system, as appropriate. Finally, EPA should recognize that state agencies often know their large sources best, having worked with operators of these facilities for years on various aspects of implementing the Clean Air Act and other federal and state environmental regulations. EPA should consider creative approaches that will help take advantage of state-based knowledge. Such approaches should include (but not be limited to) working with states to incorporate and interpret GHG data provided by reporters to The Climate Registry.

**Response:** See the preamble for responses on the role of States and the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA is working with states to identify appropriate roles in implementing the reporting rule. EPA is also working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Thomas W. Easterly

**Commenter Affiliation:** Indiana Department of Environmental Management (IDEM)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0525.1

**Comment Excerpt Number:** 3

**Comment:** Emissions reporting requirements associated with this proposed reporting rule should compliment other U.S. EPA emission reporting requirements in order to avoid duplicative reporting and ease reporting burdens on affected facilities. This streamlined approach will ensure that accurate, timely, high quality emission data is reported in the most cost effective manner.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs and for the response of consistent protocols and data systems.

---

**Commenter Name:** Kevin Fay

**Commenter Affiliation:** International Climate Change Partnership (ICCP)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0490.1

**Comment Excerpt Number:** 4

**Comment:** If, as anticipated, Congress adopts more specific climate policy requirements and/or the U.S. were to become party to a post-2012 international climate agreement, we believe that the Agency should also revisit the reporting rule requirements to ensure consistency with either or both programs.

**Response:** EPA thanks the commenter for their input.

---

**Commenter Name:** See Table 1

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0476.1

**Comment Excerpt Number: 4**

**Comment:** EPA noted that are differences among these regional/state programs, and that EPA is continuing to work with states and regional groups to have an efficient data management program to serve multiple users. AIAM believes it is essential, especially given the state of the economy and the need for all organizations (both government and industry) to conserve resources, for EPA to work with states and regional groups to establish one national program for GHG emissions that meets the needs of all parties.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA is working with States and other Federal programs to develop systems that facilitate efficient data exchange and reduce the burden of reporters.

---

**Commenter Name:** James B. Martin

**Commenter Affiliation:** Colorado Department of Public Health and Environment

**Document Control Number:** EPA-HQ-OAR-2008-0508-0554.1

**Comment Excerpt Number: 5**

**Comment:** EPA should develop reporting mechanisms based on platforms and protocols established by The Climate Registry (TCR) where appropriate. Additionally, to the extent practicable, entities should be able to report once to all programs (e.g., federal, state, local, and non-governmental) simultaneously.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. As discussed in the preamble, EPA is developing an electronic data system for this reporting rule and is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Douglas P. Scott

**Commenter Affiliation:** Illinois Environmental Protection Agency (Illinois EPA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0387.1

**Comment Excerpt Number: 6**

**Comment:** The rule should allow states and other recognized entities the ability to adopt GHG reporting requirements that differ or exceed federal requirements to provide states with additional information to craft innovative GHG reduction programs.

**Response:** As discussed in the preamble, this reporting rule does not preempt or replace State rules, and EPA affirms that States can collect additional data under State rules and programs. For a full response to this and other comments on preemption of state rules, see the volume of this document titled “Legal Issues”.

---

**Commenter Name:** Rasma I. Zvaners

**Commenter Affiliation:** American Bakers Association (ABA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0497.1

**Comment Excerpt Number: 8**



**Comment:** The EPA program should use the consistent emission calculation methods to create transparency and consistency with those states that may already have reporting programs in place. We believe that EPA should accept voluntary efforts that bakers have already submitted for state reporting purposes. For example, a baker in North Carolina is reporting their greenhouse gas emissions from fuel combustion as part of the state's annual emission inventory. The ability to "cut and paste" this into the Agency's reporting scenario would streamline reporting requirements.

**Response:** See the preamble for responses on selection of the general monitoring approach for the reporting rule. Reporters must follow the GHG estimation methods contained in the rule to provide a consistent national dataset for use in developing policies and programs. Also see the preamble for the response on the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA is working with States and other programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Glenn Hamer

**Commenter Affiliation:** Arizona Chamber of Commerce and Industry

**Document Control Number:** EPA-HQ-OAR-2008-0508-0564.1

**Comment Excerpt Number:** 10

**Comment:** To its credit, EPA has largely proposed to allow EGUs subject to the acid rain program to rely on existing Part 75 monitoring. See proposed 40 C.F.R. Part 98, Subpart D. However, the Agency still proposes to require submission of a separate annual report under the new GHG rule, even though virtually all the information that would be required on any such report already is provided quarterly via the ECM PS system, or is easily derivable from information on the ECM PS reports. The only significant data not already on the ECM PS reports are CO<sub>2</sub> emissions in metric tons (a simple conversion from the units in which these emissions are already reported) and CH<sub>4</sub> and N<sub>2</sub>O emissions, which can be easily estimated from data that are already on the reports using Equation C-8 from the proposed rule (40 C.F.R. § 98.33(c)(1)). Proposed Solution: In order to reduce the reporting burden on facilities covered subject to the acid rain program, the Arizona Chamber suggests that EPA simply modify the required reporting under Part 75 to include any additional GHG information it needs, rather than requiring EGUs to provide a largely duplicative separate report under the final GHG rule.

**Response:** For the response, see the preamble section on Subpart D, Electricity Generation and the response to comments document of Subpart D.

---

**Commenter Name:** Douglas P. Scott

**Commenter Affiliation:** Illinois Environmental Protection Agency (Illinois EPA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0387.1

**Comment Excerpt Number:** 10

**Comment:** It is essential for the federal government to consider state information needs, state reporting initiatives, and the impact on industry in designing a national GHG reporting program. Many states and organizations have implemented (or are planning to implement) voluntary or mandatory GHG reporting requirements that differ from the reporting requirements included in the proposed U.S. EPA mandatory reporting rule. These reporting programs provide essential

information to policy-makers interested in understanding GHG emission trends and the sources of GHG emissions in their states. Such state and voluntary reporting programs can provide an important complement to a federal reporting program. It is critical that the federal mandatory GHG reporting program work in concert with existing voluntary and state programs. U.S. EPA should strive to develop reporting solutions that allow affected sources to easily participate in valuable voluntary reporting programs, as well as comply with state and federal mandatory reporting requirements. This would help avoid duplication of reporting efforts and emphasize reporter convenience, while still supporting comprehensive GHG reporting.

**Response:** See the preamble for discussion of the relationship of this rule with other Federal, State, and Regional programs. This rule is one specific action. EPA recognizes that Federal voluntary programs and State programs are different in scope and focus and some collect additional data such as data on energy efficiency and emissions reductions that are important in addressing climate change issues. As explained in the preamble, this reporting rule does not preempt or replace existing voluntary or State programs. EPA is working with States and other Federal programs to develop systems that facilitate efficient data exchange and reduce the burden of reporters.

---

**Commenter Name:** Douglas P. Scott

**Commenter Affiliation:** Illinois Environmental Protection Agency (Illinois EPA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0387.1

**Comment Excerpt Number:** 11

**Comment:** Illinois EPA strongly supports TCR. We urge the U.S. EPA to work closely with established organizations such as TCR that have the needed knowledge and experience in dealing with GHG reporting and data verification. Illinois EPA believes that U.S. EPA should recognize TCR as providing a cost effective central repository or clearinghouse for reporting and/or tracking GHG data. Consistency with TCR standards for emissions calculations and reporting protocols will help ensure that U.S. EPA receives reliable and necessary information.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. As explained in the preamble, EPA is developing an electronic reporting for this reporting rule and is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Steven D. Meyers

**Commenter Affiliation:** General Electric Company (GE)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0532.1

**Comment Excerpt Number:** 13

**Comment:** The Mandatory Program should include simple standard emissions factors for all GHG calculations where feasible to promote consistency and ease of use. GE notes that EPA has done this for a number of emission source categories. However, GE also notes that the emission factor for natural gas combustions, an emission factor that GE will be using at a number of reporting facilities, differs from the natural gas combustion factor that EPA developed for the Climate Leaders program. Previously, GE determined that emission factors in the Climate Leaders program differed from factors in the DOE 1605b program. The program will be much more effective if all federal GHG programs require the use of the same emission factors so that

the same GHG emissions are calculated from the same source activity data.

**Response:** EPA carefully reviewed the reporting requirements of existing programs during development of the reporting rule and attempted to be consistent with the GHG protocols where feasible. See the preamble section and comment response document for subpart C (general stationary combustion sources) for responses on the emissions factors for fuel combustion.

---

**Commenter Name:** Douglas P. Scott

**Commenter Affiliation:** Illinois Environmental Protection Agency (Illinois EPA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0387.1

**Comment Excerpt Number:** 13

**Comment:** Beginning in 2008, Illinois asked over 6,000 permitted sources of air pollution in the state to begin voluntary reporting their GHG emissions. Over sixty percent of the sources submitted this data for calendar year 2008. This data supports ongoing efforts to build a reliable source of GHG emissions from emission sources in Illinois. Illinois EPA estimates that the proposed federal GHG mandatory reporting rule will affect around 190 emission sources in Illinois. Illinois has also implemented many GHG reduction initiatives and continues to be proactive in its approach to combating climate change. Illinois EPA emphasizes that any federal efforts on climate change should not prohibit, or significantly interfere with, state and local efforts on climate change and the states' right to have their own climate change programs and reporting rules.

**Response:** See the preamble for discussion of the role of States and the relationship of this rule to State programs. As discussed in the preamble, this reporting rule does not preempt or replace State rules, and EPA affirms that States can collect additional data under State rules and programs. For a full response to this and other comments on preemption of state rules, see the volume of this document titled "Legal Issues".

---

**Commenter Name:** Michael Bradley

**Commenter Affiliation:** The Clean Energy Group (CEG)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0479.1

**Comment Excerpt Number:** 14

**Comment:** The Clean Energy Group encourages EPA to harmonize emissions monitoring requirements across EPA requirements to the extent possible. Particularly in instances where the proposed rule would require upgrading the existing CEMS, the Clean Energy Group urges EPA to consider other existing or planned CEMS requirements for the electric sector, such as under a replacement Clean Air Interstate Rule (CAIR) program or under upcoming utility Maximum Achievable Control Technology (MACT) standards (e.g., MACT standards to replace the Clean Air Mercury Rule [CAMR] and its CEMS requirements). The Clean Energy Group requests clarification on CEMS requirements and whether or to what extent these are the same as or are compatible with those expected to be included in the upcoming MACT standards.

**Response:** See the preamble and the comment response documents for Subpart C (general stationary combustion) and subpart D (electricity generations).

---

**Commenter Name:** David Stirpe  
**Commenter Affiliation:** Alliance for Responsible Atmospheric Policy (ARAP)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0527.1  
**Comment Excerpt Number:** 15

**Comment:** The Alliance welcomes the opportunity to submit comments on the Proposed Rule. We look forward to the continuation of a productive working relationship with EPA regarding mandatory reporting of fluorocarbons.

**Response:** EPA thanks the commenter for their input.

---

**Commenter Name:** Kevin Fay  
**Commenter Affiliation:** International Climate Change Partnership (ICCP)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0490.1  
**Comment Excerpt Number:** 16

**Comment:** The Agency should also maximize the utilization of existing programs, including several of the voluntary initiatives that have proven sufficient for determination of emission levels and compliance with the voluntary agreements to the maximum extent feasible.

**Response:** See the preamble summary of comments and responses on the relationship of this rule with other programs.

---

**Commenter Name:** Robert P. Strieter  
**Commenter Affiliation:** The Aluminum Association  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0350.1  
**Comment Excerpt Number:** 4

**Comment:** EPA requests comment on the consistency of the proposed reporting protocol to collect data relative to other programs. The Aluminum Association believes that the proposed rule should be modified to ensure that the protocol is as consistent as possible with existing reporting programs that have been well vetted and found to be accurate and consistent with international reporting requirements. The Association believes there are several programs to build from. For example, the current Climate Leaders program provides such a reporting model that could be adopted. Climate Leaders has a verified reporting protocol for fuel combustion sources that should be incorporated into the reporting protocol. In addition, the Climate Leaders program has provision for participating industries to develop Inventory Management Plan (IMP) and quality assurance protocols that conform to international reporting standards established by the World Resources Institute – World Business Counsel on Sustainable Development (WRI/WBCSD). The IMP requirements under Climate Leaders are rigorous and have been successfully audited by EPA and associated consultants. This provides an easily transferable mechanism to the GHG reporting protocol and achieves cost savings for the voluntary Climate Leader participants to help further reduce the cost of the reporting program while lending credibility to the program due to the robust data supporting the accuracy of the Climate Leader's approach. Associated quality assurance provisions should also transfer from Climate Leaders to the GHG reporting protocol to lend further credibility.

**Response:** See the preamble discussion on the relationship of this rule to other programs.

---

**Commenter Name:** Laurence K. Lau  
**Commenter Affiliation:** Hawaii Department of Health  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0329.1  
**Comment Excerpt Number:** 5

**Comment:** The rule, and EPA efforts, should seek consistency between the different jurisdictions' reporting requirements and make data exchange as easy as possible.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Sonal Mahida  
**Commenter Affiliation:** Carbon Disclosure Project  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0306.1  
**Comment Excerpt Number:** 3

**Comment:** It is clear from the preamble that EPA has given a great deal of thought to aligning the proposed reporting requirement with related or similar measures that already exist in the United States. Given the global nature of climate change and the international framework for policy negotiations (see below), CDP recommends that similar levels of attention are paid in EPA's preamble to the need for standardization of reporting requirements across national boundaries. There are two main reasons why international standardization should be given serious consideration. Firstly, many companies are multinational in operation and many of the United States' largest companies have facilities in other parts of the world (e.g. the European Union, Australia) which are already subject to mandatory greenhouse gas reporting requirements. These US companies have already developed internal capacity and systems to comply with those requirements and will wish to avoid unnecessary duplication or excessive cost in relation to new requirements for facilities in the United States. Of the 333 companies from the S&P 500 which reported to CDP in 2008, 53 were already reporting their greenhouse gas emissions from European facilities under the European Union Emissions Trading Scheme (EU ETS). These 53 companies have disclosed to CDP that they reported a total of 24 Million tonnes CO<sub>2</sub> to the European Commission in 2007 as part of their compliance with EU ETS. Secondly, consideration of foreign and international reporting requirements is necessary if EPA is to generate data which enables the widest possible set of policy options. President Obama has said that the United States will take a leading role in international climate negotiations in December, and it is hoped that these will lead to a global agreement on a framework for action to replace the Kyoto Protocol. Participation in such an agreement may lead to the United States' involvement in international policy measures such as sectoral targets, or in new forms of international market mechanism that replace or build on the Clean Development Mechanism and Joint Implementation. All of this would require compatible corporate/facility reporting methodologies between the United States and other countries. Even if the United States government decided to focus on domestic measures then it would still be prudent to keep open the option of international linking at a future date. CDP recommends that EPA reviews the corporate and facility-level mandatory reporting requirements that either exist or are under development outside the United States, and estimates the extent to which companies operating in the United States are affected or likely to be affected by these. CDP further recommends that EPA consider

participating in international forums for discussing and standardizing reporting requirements, such as the International Climate Action Partnership (ICAP). ICAP members include 13 national governments and the European Commission, together with 13 states and provinces that are members of the Regional Greenhouse Gas Initiative and the Western Climate Initiative. CDP would be very happy to support EPA in the development of this draft rule. This support could take the form of sharing know-how gained over 5 years of requesting emissions data from US companies, in addition CDP would be very happy to share its global database of corporate climate change information with EPA. Analysis of CDP data might be useful in helping to answer some of the questions about US companies' exposure to international regulation which were raised in the previous paragraphs.

**Response:** EPA thanks the commenter for their input. EPA carefully reviewed the reporting requirements of existing programs, including international programs such as IPCC, EU Emissions Trading System, and Canadian and Australian reporting programs, during development of the reporting rule and attempted to be consistent with the GHG protocols where they were appropriate for providing facility-specific emissions. See the proposal and promulgation preambles for discussion on selection of GHG emission estimation and monitoring methods from the various source categories.

---

**Commenter Name:** Mark Nordheim

**Commenter Affiliation:** Western States Petroleum Association

**Document Control Number:** EPA-HQ-OAR-2008-0508-0228k

**Comment Excerpt Number:** 1

**Comment:** For those of us who go back to the implementation of Title 3 and Title 5, we desperately want to avoid what ultimately turned into duplicative regulatory programs in those states that had very robust existing programs in place. Not because the programs weren't robust enough or accurate enough; simply because there was what I would characterize as a difference in the architecture or designed architecture of the program.

**Response:** See the preamble for the response on the relationship of this rule to other programs and responses on data collection, management, and dissemination. As discussed in the preamble, EPA is developing an electronic data system for this reporting rule and is working with TCR, States, and other programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Richard Bode

**Commenter Affiliation:** California Air Resources Board (CARB)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0228a

**Comment Excerpt Number:** 1

**Comment:** The requirements in the EPA proposed rule are very similar to those in our AB regulation. For example, the methods required for us to make greenhouse gas emissions are nearly identical to many key industries. Both regulations require facility level emissions reporting and greenhouse gas reporting thresholds, although slightly different in form, CO<sub>2</sub> versus CO<sub>2</sub> equivalent, will capture nearly the same facilities. EPA has added additional industrial sectors which the Air Resources Board did not include. We did not include these industries in our rule because AB 32 instructed us to begin with the largest sources in the state. However, in California any facility that exceeds annual emissions of 20,000 - 25,000 metric tons

of CO<sub>2</sub> combustion must report no matter what sector. This brings in many of the same facilities, just based on the fuel combustion. EPA's rule will extend reporting of the process emissions for these facilities. In developing the air reporting regulation we worked to maintain consistent and rigorous methods statewide. Similarly, we believe that the EPA proposed rule requires consistent reporting nationwide.

**Response:** EPA thanks the commenter for their input.

---

**Commenter Name:** Diane Wittenberg

**Commenter Affiliation:** The Climate Registry

**Document Control Number:** EPA-HQ-OAR-2008-0508-0228s

**Comment Excerpt Number:** 1

**Comment:** Many states have implemented or are planning to implement state mandatory greenhouse gas reporting requirements that go beyond the scope of EPA's proposed rule. These programs provide essential information to policy makers interested in understanding greenhouse gas emission trends and also the sources within their own states of the greenhouse gases. States and voluntary programs provide an important complement to EPA's proposed facility-based mandatory reporting program, providing useful and comprehensive information to address climate change emissions from a wide range of sources and to provide innovative solutions to manage carbon.

**Response:** See the preamble for discussion of the relationship of this rule with other Federal, State, and Regional programs. This rule is one specific action. EPA recognizes that Federal voluntary programs and State programs are different in scope and focus and some collect additional data such as data on energy efficiency and emissions reductions that are important in addressing climate change issues. As explained in the preamble, this reporting rule does not preempt or replace existing voluntary or State programs. EPA is working with States and other Federal programs to develop systems that facilitate efficient data exchange and reduce the burden of reporters.

---

**Commenter Name:** James O. Kennon

**Commenter Affiliation:** Sevier Citizens For Clean Air And Water, Inc. (SCCAW)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0251.1

**Comment Excerpt Number:** 2

**Comment:** Many states have understood the need for new enforcement and have begun to establish their own regulations for GHG. That could mean different regulations in different parts of the country. It is time to have regulations that are consistent across the country and the world. The areas or zones that now exist do not satisfy the mandate to prevent GHG pollution. There needs to be country wide regulations. That is something that the people in charge in Utah do not understand. The regulations should cover the entire state equally and when necessary nationwide. Current regulations do not take into consideration the wide areas that the pollution can travel. This is not only true for GHG, particulate matter, but Mercury as well. Many states such as California and Massachusetts have taken the lead and their work should be recognized.

**Response:** EPA thanks the commenter for their input. This reporting rule will collect consistent GHG emissions data from facilities throughout the country. As mentioned in the preamble, the

reporting rule does not preempt state rules, and states are free to collect additional data.

---

**Commenter Name:** Diane Wittenberg

**Commenter Affiliation:** The Climate Registry

**Document Control Number:** EPA-HQ-OAR-2008-0508-0228s

**Comment Excerpt Number:** 2

**Comment:** Given that EPA's mandatory rule will establish the foundation for future federal GHG initiatives and given the continuing need of states and companies for comprehensive high quality data to inform decision making, The Registry believes it is critical that EPA's mandatory program work in concert with existing voluntary and state programs and continue to acknowledge and encourage and reinforce the complimentary activities.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** E. Levin

**Commenter Affiliation:** Drexel University

**Document Control Number:** EPA-HQ-OAR-2008-0508-0256.1

**Comment Excerpt Number:** 2

**Comment:** Currently, a number of voluntary and mandatory GHG programs already exist or are being developed at the State, Regional, and Federal levels. These programs have different scopes and purposes and many focus on GHG emission reduction, whereas others are purely reporting programs. The goal of the proposed rule appears to be to develop a reporting rule that, to the extent possible and appropriate, would rely on similar protocols and formats of the existing programs and, therefore, reduce the burden of reporting for all parties involved. To properly assess these new proposals a comprehensive review of existing voluntary and mandatory GHG reporting programs, as well as guidance documents for quantifying GHG emissions from specific sources is needed. In addition to the GHG programs, other Federal emission reporting programs and emission inventories are relevant to the proposed GHG reporting rule. Again, careful review of the existing reporting programs, particularly with respect to emissions sources covered, thresholds, monitoring methods, frequency of reporting and verification is necessary. It is also important to keep in mind that States may have, or intend to develop, reporting programs that are broader in scope or are more aggressive in implementation because those programs are either components of previously established reduction programs (e.g., cap and trade) or are being used to design and inform specific complementary measures (e.g., energy efficiency).

**Response:** EPA thanks the commenter for their input. This rule is one specific action. As noted in the promulgation preamble, EPA recognizes that Federal voluntary programs and State and Regional programs are different in scope and focus and some collect additional data such as data on energy efficiency and emissions reductions that are important in addressing climate change issues. As explained in the preamble, this reporting rule does not preempt or replace existing voluntary or State programs, and States are free to collect additional information.

---



**Commenter Name:** Timothy O'Connor  
**Commenter Affiliation:** Environmental Defense Fund  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0228h  
**Comment Excerpt Number:** 4

**Comment:** We think that there is some foundations which have been developed at the states and regional levels which are going to be very important for us to build off of, as well as to contribute back to. The Climate Registry and the CO<sub>2</sub> reporting requirements that have been in effect since 1995 for fossil fuel fired electric generating facilities under current federal regs are two pillars that can really support national reporting agency reporting. Where these existing programs are sound, we think they can and should provide a foundation for the comprehensive national reporting requirements.

**Response:** See the preamble for the response on the relationship of this rule to other programs. EPA carefully reviewed the reporting requirements of existing programs during development of the reporting rule and has been consistent with the GHG protocols to the extent feasible. EPA is working with TCR, States, and other programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Kusai Merchant  
**Commenter Affiliation:** Environmental Defense Fund  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1h  
**Comment Excerpt Number:** 3

**Comment:** The Climate Registry and the carbon dioxide reporting requirements, in effect since 1995 for fossil fuel-generated electricity units, under Federal regulations are two pillars to support comprehensive national reporting. Where existing programs are sound, they can and should provide a foundation for comprehensive national reporting requirements. In addition, where emissions calculation methodologies exist, EPA should, where appropriate, capitalize on these efforts by incorporating these into the national framework after evaluating their accuracy.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0228h, excerpt 4.

---

**Commenter Name:** Mark Nordheim  
**Commenter Affiliation:** Western States Petroleum Association  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0228k  
**Comment Excerpt Number:** 5

**Comment:** Unless you go to something that was like suggested by Richard Bode, we are facing in California, New Mexico, the WCI states, and any voluntary works we do with The Climate Registry, having to support a third party verification system. This is hardly indirect. We would have to support a parallel system of data management. I don't know whether you appreciate how much data you get from our industry or not, but it will be significant.

**Response:** See the preamble for responses regarding selection of the emissions verification approach and the relationship of this reporting rule to other programs.

---

**Commenter Name:** Lyle Nelson  
**Commenter Affiliation:** WEST Associates  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0228o  
**Comment Excerpt Number:** 5

**Comment:** In the development of the one federal reporting program, WEST encourages EPA to reach out to regional entities and states to develop uniform quantification methodologies accurate enough for use in a cabinetry program. Cooperative efforts by regions and states to develop a common taxonomy of calculation methodologies will avoid piecemeal or inconsistent reporting requirements.

**Response:** See the preamble for the response on the relationship of this rule to other programs. EPA carefully reviewed the reporting requirements of existing programs during development of the reporting rule and attempted to be consistent with the GHG protocols to the extent feasible. See the preamble sections on Subparts C through PP for comments and responses on the GHG emission estimation protocols selected for each source category.

---

**Commenter Name:** Timothy O'Connor  
**Commenter Affiliation:** Environmental Defense Fund  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0228h  
**Comment Excerpt Number:** 5

**Comment:** Where emissions calculation methodologies already exist, EPA should, where appropriate, capitalize on these efforts by incorporating them into a national framework rather than sort of starting anew on developing some of these calculations. Although I would say that direct measurements would definitely be the preference in some cases, it may be necessary to use some of the emissions calculations. So we would ask that EPA really look at the range of accepted methodologies that are out there.

**Response:** See the preamble for the response of the general monitoring approach, which is a combination of direct measurement and facility-specific calculations using methods specified in the rule. Also see the preamble discussion of the relationship of this rule to other programs. EPA carefully reviewed the reporting requirements of existing programs including during development of the reporting rule and has been consistent with other GHG protocols when feasible.

---

**Commenter Name:** Timothy O'Connor  
**Commenter Affiliation:** Environmental Defense Fund  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0228h  
**Comment Excerpt Number:** 6

**Comment:** I think Richard Bode, who was the first speaker here today, really did encapsulate a very critical piece here, that EPA does need to recognize the local needs and conditions of state and local governments. They have really forged a foundation of comprehensive national reporting, and we think that states and local governments have some distinct needs that the federal government and the national reporting system should respect. EPA really should be clear that states and local governments have ample room to collect additional data and to go further, to get facilities to report expansive data on greenhouse gas emissions.

**Response:** See the preamble for discussion of the role of States and the relationship of this rule to State programs. As discussed in the preamble, this reporting rule does not preempt or replace State rules, and EPA affirms that States can collect additional data under State rules and programs. For a full response to this and other comments on preemption of state rules, see the volume of this document titled “Legal Issues”.

---

**Commenter Name:** William Ferretti

**Commenter Affiliation:** Chicago Climate Exchange

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212m

**Comment Excerpt Number:** 1

**Comment:** We strongly recommend that the EPA rules recognize the emissions reports provided by members to the CCX Registry. CCX reporting protocols are consistent with those outlined in the Proposed Rule.

**Response:** EPA thanks the commenter for their input. Although the protocols may be consistent, facilities subject to the reporting rule must report their emission directly to EPA using the electronic reporting system EPA is developing. The reasons for this decision are discussed in the preamble sections of the emissions verification approach, the relationship of this rule to other programs, and data collection, management, and dissemination. EPA is working with TCR, States, and other programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** William Ferretti

**Commenter Affiliation:** Chicago Climate Exchange

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212m

**Comment Excerpt Number:** 2

**Comment:** Recognition of CCX Registry reports by EPA would help lower the cost of compliance for entities that have already been leaders in being accountable for their emissions footprint.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0212k, excerpt 1.

---

**Commenter Name:** Denise Sheehan

**Commenter Affiliation:** The Climate Registry

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212k

**Comment Excerpt Number:** 1

**Comment:** Given that EPA's Mandatory Reporting Rule will establish the foundation for future Federal climate initiatives and given the continuing needs of States and companies for comprehensive greenhouse gas emissions data, the Registry believes it is critical for EPA's program to work in concert with existing State, voluntary, and mandatory programs, and support solutions that allow organizations to easily participate in voluntary reporting programs, as well as comply with State and Federal mandatory reporting requirements. To help EPA accomplish this objective, the Registry and our member States seek to partner with EPA to develop solutions that will ease the burden on companies facing different reporting requirements at the State and

Federal levels.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange and reduce the burden on reporters

---

**Commenter Name:** Sonal Mahida

**Commenter Affiliation:** Carbon Disclosure Project (CDP)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212o

**Comment Excerpt Number:** 1

**Comment:** It is important for both the government and investors to have access to corporate climate change data and for us to coordinate efforts in order to reduce the burden of reporting for corporations. To this end, we recommend that EPA establish data-sharing agreements with organizations like the CDP or The Climate Registry to enable companies to their greenhouse gas emissions data to the EPA via other registries. This will enable all interested stakeholders to have access to this data, without increasing the burden for corporations. It is important to avoid a duplication of efforts, which will result in excessive reporting for corporations. The increased burden of reporting could have two negative impacts. First, it could result in the reduction of overall climate change data available to interested stakeholders. The EPA request will be mandatory. So any falling off in reporting is likely to affect voluntary reporting processes, such as CDP. Because the CDP information request is wider in scope than the proposed EPA requirement, any drop-off in reporting to CDP will result in an overall reduction in the amount of climate change information available to investors and the wider marketplace. Second, it could also use up valuable corporate resources that could otherwise be used for the companies to address their own climate change risks and opportunities. For all of these reasons, it is critical that the EPA have discussions on data-sharing with other registries. Given our eight-year history developing and reporting system that has reached a high level of uptick across sectors and regions, we are uniquely positioned to advise governments on the efficacy of the data collected through Reporting Rules. Our experience has led to expertise in devising a reporting system that is practical for the reporter and creates data that is useful and pertinent to the collector. We welcome any opportunity to share this expertise with the EPA.

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. Facilities subject to the reporting rule must report their emission directly to EPA using the electronic reporting system EPA is developing. The reasons for this decision are discussed in the preamble sections of the emissions verification approach, the relationship of this rule to other programs, and data collection, management, and dissemination. As discussed in the preamble, EPA recognizes that many other programs are collecting additional data beyond that required by the EPA reporting rule. EPA is working with TCR, States, and other programs to develop systems that facilitate efficient data exchange and reduce the burden on reporters.

---

**Commenter Name:** Leah Stern

**Commenter Affiliation:** Carbon Disclosure Project (CDP)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212n

**Comment Excerpt Number:** 1

**Comment:** At CDP, we immediately took note that the EPA Draft Rule makes an effort to reduce the burden of reporting and associated financial costs to companies. An example is that the EPA seeks to align this new rule with existing related measures in the United States. However, CDP believes there are two main reasons to give the same amount of consideration and alignment to international standardization. Firstly, many companies are multinational and have facilities in the European Union or Australia, for example, which are already subject to mandatory greenhouse gas reporting. In 2008, 53 S&P 500 companies reporting their greenhouse gas emissions under the European Union Emissions Trading Scheme. That was a total of 24 million tons of carbon dioxide equivalent. These companies have already developed an internal capacity and systems to comply and move on to avoid unnecessary duplication and excessive cost in relation to new requirements. Harmonization is also necessary if the United States enters an international climate agreement, as President Obama indicated we will. Coordination across national boundaries will enable international carbon treating at the corporate level and reduce trade barriers. CDP supports international standardization through its function as a Secretariat of the Carbon Disclosure Standards Board, or CDSB. CDSB is an initiative creating international accounting frameworks for climate change information. KPMG, Deloitte, Ernst & Young, PricewaterhouseCoopers, the International Federation of Accountants, and the World Resources Institute, as well as the U.K. government support this initiative. CDP recommends that the EPA look at the large number of corporate and facility-level mandatory requirements that exist or are under development outside of the United States and assess the impact on U.S. companies. Furthermore, CDP recommends that the EPA team forge a closer relationship with CDP and organizations similar to us. We are happy from CDP to support the EPA with our knowledge of five years of requesting emissions data from U.S. companies. We are also happy to share our database of corporate climate change information with the EPA.

**Response:** See the preamble for the response on the relationship of this rule to other programs. EPA carefully reviewed the reporting requirements of existing programs, including international programs such as IPCC, the EU Emissions Trading System, and Canadian and Australian reporting programs, during development of the reporting rule and attempted to be consistent with the GHG protocols where they would provide appropriate facility-specific emissions estimates. EPA is working with TCR, States, and other programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** Kusai Merchant

**Commenter Affiliation:** Environmental Defense Fund

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1h

**Comment Excerpt Number:** 4

**Comment:** We should recognize the distinct and local needs and conditions. State and local governments have forged a foundation for comprehensive national reporting. They may also have distinct needs the national reporting program should respect.

**Response:** See the preamble for discussion of the role of States and the relationship of this rule to State programs. As discussed in the preamble, EPA affirms that States can collect additional data under State rules and programs.

---

**Commenter Name:** Greg Scott  
**Commenter Affiliation:** National Petrochemical & Refiners Association  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0212w  
**Comment Excerpt Number:** 5

**Comment:** The agency should make every effort to develop one reporting methodology to be used for both State and Federal reporting programs. A patchwork of State and Federal methods will lead to confusion and may compromise the quality of the data that is submitted.

**Response:** See the preamble for responses on the relationship of this rule to other programs for the including responses on consistent data protocols and data systems.

---

**Commenter Name:** Kusai Merchant  
**Commenter Affiliation:** Environmental Defense Fund  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1h  
**Comment Excerpt Number:** 5

**Comment:** EPA must be clear that States and local governments have ample room to collect additional or more expansive data from greenhouse gas emitters.

**Response:** See the preamble for discussion of the role of States and the relationship of this rule to State programs. As discussed in the preamble, this reporting rule does not preempt or replace State rules, and EPA affirms that States can collect additional data under State rules and programs. For a full response to this and other comments on preemption of state rules, see the volume of this document titled “Legal Issues”.

---

**Commenter Name:** Brian Jones  
**Commenter Affiliation:** Clean Energy Group (CEG), M.J. Bradley & Associates, LLC  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0212e  
**Comment Excerpt Number:** 6

**Comment:** What coordination, if any, will there be with the various State mandatory GHG reporting programs, other Federal voluntary reporting programs such as 1605(b) and Climate Leaders, and then other voluntary programs such as the Climate Registry?

**Response:** See the preamble for responses on the relationship of this rule to other programs and responses on data collection, management and dissemination. EPA is working with TCR, States, and other Federal programs to develop systems that facilitate efficient data exchange.

---

**Commenter Name:** J. Southerland  
**Commenter Affiliation:** None  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0165  
**Comment Excerpt Number:** 1

**Comment:** Since however, large portions of the material is obviously drawn from pre-existing California and World Resources Institute's work products, any differences and changes made, as well as means used to assure validation to be appropriate or this proposal, should be clearly

indicated and adequately explained.

**Response:** See the preamble for responses on the relationship of this rule to other programs. EPA has been consistent with existing GHG protocols, where appropriate.

---

**Commenter Name:** J. Southerland

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0165

**Comment Excerpt Number:** 9

**Comment:** In almost all states where there are greenhouse gas reporting requirements, California being an exception, the programs have been done on an ad hoc basis awaiting state legislation and/or federal programs. The intent in most of the 40 plus states who have joined The Climate Registry has been to put pressure on the federal government to do something universal and consistent throughout so that one set of authorities, rules, procedures and results could be established. To fail to accomplish this unity and initiate a single authority would be a major mistake. If 50 states establish separate legislation, there is a definite expectation that they would be significantly different such that attempting to satisfy a federal program and all the states would be impossible to achieve. If a good federal program is established, the state programs are very likely to retreat, and in addition, it is unlikely that many of them will develop significantly while the federal program is being developed. A wait and see attitude prevails. They do not want 51 separate programs.

**Response:** See the preamble for responses on the role of States and the relationship of this rule to other programs.

---

## **2. DUPLICATIVE REQUIREMENTS: THE CLIMATE REGISTRY (TCR)**

---

**Commenter Name:** Sonny Perdue

**Commenter Affiliation:** Governor, State of Georgia (GA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0757.1

**Comment Excerpt Number:** 1

**Comment:** The proposal states that "the goal is to have this GHG reporting program supplement and complement, rather than duplicate U. S. government and other GHG programs." Our perception is that this proposal is more duplicative than "complementary." The needs of state agencies (and the regulated community) for streamlining and avoiding duplicative activities can be better met. Georgia has been a member of The Climate Registry since its formation in 2007. The Registry was specifically created and designed to serve as a central repository of GHG data for companies operating in North America. By developing one comprehensive high-quality corporate-wide GHG inventory through The Registry, the goal is for corporations and organizations to be able to use that inventory to satisfy all of their mandatory GHG reporting requirements, as well as support their own efforts to manage, reduce and publicly disclose their GHG emissions. The Registry has developed a web-based database application to support voluntary GHG reporting and is now working with states and provinces to develop additional functionality to individually support state mandatory reporting programs via a shared reporting platform. By supporting voluntary and mandatory reporting programs in this manner, The

Registry creates a "one-stop shop" reporting approach. This helps avoid duplication of reporting effort and emphasizes reporter convenience while still supporting comprehensive GHG reporting. Given that EPA's mandatory GHG reporting rule will establish the foundation for future federal GHG initiatives and given the continuing needs of states and companies for comprehensive high quality GHG data to inform their decision-making, we believe it is critical that EPA's mandatory GHG program work in concert with existing voluntary and state programs and continue to acknowledge, encourage and reinforce the activities of states and organizations which complement and enhance the federal mandatory reporting program. Specifically, EPA should work directly with The Registry to help ensure that EPA's data collection system, state data collection systems and The Registry's Climate Registry Information System (CRIS) application are interoperable, such that GHG reporting requirements are consistent and data can be easily exchanged between programs to reduce the reporting burden for regulated parties interested in reporting GHG emissions to more than one GHG program.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response regarding consistent data collection systems.

---

**Commenter Name:** Keith Overcash

**Commenter Affiliation:** North Carolina Division of Air Quality (NCDAQ)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0588

**Comment Excerpt Number:** 4

**Comment:** Climate change is a global issue. The fundamental use of GHG data, whether it is intended for inventory purposes, emission reduction purposes, or tracking offsets, must take into account the needs of corporations, local, state, national, and international bodies. In the absence of U.S. federal programs to meet these needs, significant progress has been made through regional initiatives and voluntary programs to collect and track GHG emissions. The most notable reporting mechanism supported by U.S. states, Canada, and Mexico is The Climate Registry (TCR). TCR has developed a common framework for GHG emissions reporting which meets the needs of private and government sectors. We are concerned that EPA has failed to integrate TCR's comprehensive reporting framework, and proposes to introduce a completely new reporting system, which is yet to be defined. Many companies voluntarily reporting their corporate footprint have expressed concerns about providing the same data to multiple systems, and are reluctant to continue with voluntary reporting once the Federal rule takes effect. This reluctance will undermine the ultimate goal of both voluntary and mandatory programs, which is to foster an environmental awareness of a company's GHG contributions and to set in motion actions to reduce their emissions. We believe that in today's advancements in technology, EPA should be able to develop a data exchange system which allows efficient and accurate transfer of information between different platforms. This exchange mechanism will allow companies to enter data only once, will allow states to access EPA data in a timely fashion, and will foster reporting to voluntary programs. This process will allow multi-pollutant air quality planning and management, will increase industry participation, and will ultimately result in a net cost savings.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response regarding consistent data collection systems.

---



**Commenter Name:** Michael G. Cashin  
**Commenter Affiliation:** Minnesota Power  
**Document Control Number:** EPA-HQ-OAR-2008-0508-1139.1  
**Comment Excerpt Number:** 1

**Comment:** MP has been a voluntary reporter of greenhouse gas emissions via the EIA 1605(b) program using project level reporting since program inception. MP is currently working with The Climate Registry (TCR) to report our annual emissions in accordance with the TCR protocol currently under development. It is important to MP that EPA's greenhouse gas emission reporting mechanism be compatible with other reporting mechanisms, where practical. It is the preference of MP that there is a single reporting mechanism for greenhouse gas emissions upon establishment of national mandatory greenhouse gas emission reporting.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response regarding consistent data collection systems.

---

**Commenter Name:** David Rich  
**Commenter Affiliation:** World Resources Institute (WRI)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0642.1  
**Comment Excerpt Number:** 14

**Comment:** The Climate Registry TCR will continue operating as a platform for corporate-level GHG reporting that serves additional goals beyond supporting regulatory programs. Companies will continue to need a platform to credibly document GHG performance to stakeholders. Corporate-level reporting includes additional data beyond emissions from large emitting facilities, namely a total corporate footprint that includes both direct and indirect emissions – such as indirect emissions from electricity use (scope 2) and emissions resulting from a company's products and supply chains (scope 3). EPA should ensure coordination with TCR to facilitate GHG reporting throughout the U.S. and reduce the burden on companies reporting to both programs. For example, EPA should allow data to be exported from its mandatory program to TCR to avoid duplicate reporting. EPA should also explore other data transfer opportunities to maximize consistency and reduce costs in GHG reporting.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response regarding consistent data collection systems.

---

**Commenter Name:** Hal Bozarth et al  
**Commenter Affiliation:** Chemistry Council of New Jersey et al  
**Document Control Number:** EPA-HQ-OAR-2008-0508-1145  
**Comment Excerpt Number:** 1

**Comment:** The preparation of statewide GHG inventories typically requires some degree of mandatory GHG emissions reporting by stationary sources of GHGs. These state-level regulations differ widely from state to state, but all seek to achieve the same objective – a thorough reporting of the cumulative GHG emissions from a given state. For businesses that operate in multiple states, these multiple reporting regimes are cumbersome and expensive, and

can result in overlapping reporting and the appearance of data inconsistencies. Designing one centralized national reporting program is a more manageable and practical solution. Regulators, stakeholders, and ultimately the public that we all serve will benefit from having one national GHG tracking system rather than 50 state systems and one federal system that are not synchronized. To be an effective solution, however, this one national program must provide each state with the basic state-level data that many states will need to prepare their GHG inventories. If GHG tracking is required by state law a state can choose to either write regulations requiring reporting of GHG emissions or it can rely on other credible sources of data. If USEPA's mandatory GHG reporting rule can provide the state-level data then states will not feel obligated to adopt their own duplicative GHG reporting regulations. Therefore it is our request that USEPA design its GHG reporting program to accommodate the need for state-level GHG tracking.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response regarding consistent data collection systems.

---

**Commenter Name:** Diane Wittenberg

**Commenter Affiliation:** The Climate Registry

**Document Control Number:** EPA-HQ-OAR-2008-0508-0228s

**Comment Excerpt Number:** 7

**Comment:** The Registry seeks to partner with EPA to develop information and technology solutions that will ensure consistency in greenhouse gas accounting and reporting across jurisdictions. And ease the burden on companies facing different reporting levels of -- different reporting requirements of state, provincial and federal levels. We were specifically created and designed to serve as a central repository for GHG data for companies operating in North America. Our goal is for corporations and organizations to be able to use that inventory that they place in a registry to satisfy all of their mandatory greenhouse gas reporting requirements as well as support their own supplementary efforts to manage, reduce and disclose their emissions.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response regarding consistent data collection systems.

---

**Commenter Name:** G. Vinson Hellwig

**Commenter Affiliation:** Michigan Department of Environmental Quality (MDEQ)

**Document Control Number:** EPA-HQ-OAR-2008-0508-1035.1

**Comment Excerpt Number:** 3

**Comment:** In the preamble of the GHG reporting rule, the EPA acknowledges the leadership role and significant progress many states have made in the development of GHG reporting programs and initiatives. The Climate Registry (TCR) is one such group of North American states and tribes that has established a mechanism to support both voluntary and mandatory reporting programs. The TCR has developed many widely accepted standards and protocols for GHG reporting. The proposed GHG reporting rule deviates from these protocols and standards in a number of ways (i.e., third-party verification). The EPA should work closely with TCR to ensure that EPA's reporting system is compatible with TCR's widely accepted protocols,

including third-party verification. This will ensure the data generated through the proposed GHG reporting rule is as compatible with established programs as possible.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response regarding consistent data collection systems. Also see the preamble for the response of the emissions verification approach.

---

**Commenter Name:** Jeanne Herb

**Commenter Affiliation:** New Jersey Department of Environmental Protection (NJDEP)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0834.1

**Comment Excerpt Number:** 6

**Comment:** The rule should not directly apply the voluntary reporting methods or mechanisms of The Climate Registry (TCR) as the structure for a mandatory national reporting system. The NJDEP supports the goals of TCR for establishing a voluntary reporting program that encourages companies to take a full assessment of greenhouse gas emissions and to develop effective strategies to reduce these emissions. In fact, New Jersey is a member of TCR and has been involved in TCR since its inception. TCR has been successful in developing a reporting protocol to help ensure that volunteer reporters use consistent methods to quantify releases from various sources. The USEPA rule should take advantage of TCR's quantification protocols for developing data. However, TCR has yet to establish a mandatory reporting program that specifies required elements to be reported. The current voluntary reporting program was not designed to fulfill the needs of a regulatory program. It is premature to mandate that facilities and states use TCR as the method to report or to act as the primary database for national, mandatory greenhouse gas information. Instead, the mechanism should build upon existing regulatory tools such as the NEI as discussed above.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response regarding EPA's goal of consistent data reporting protocols and data collection systems. EPA is developing an electronic data reporting system for this rule as explained in the preamble.

---

**Commenter Name:** Laurie Burt

**Commenter Affiliation:** Massachusetts Department of Environmental Protection

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212b

**Comment Excerpt Number:** 4

**Comment:** We believe it would continue to be an important role for the Climate Registry to provide voluntary registry for U.S.-based greenhouse gas sources to submit comprehensive nationwide, North American, and worldwide emission reports.

**Response:** As noted in Section II.D of the proposal preamble and in the promulgation preamble, existing GHG reporting programs have different scopes and purposes. EPA recognized that these programs may have additional monitoring and reporting requirements than those in the mandatory GHG reporting rule. See the preamble for the response on the relationship of this rule to other programs.

---

### 3. DUPLICATIVE REQUIREMENTS: OTHER PROGRAMS

---

**Commenter Name:** Jeanne Herb

**Commenter Affiliation:** New Jersey Department of Environmental Protection (NJDEP)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0834.1

**Comment Excerpt Number:** 1

**Comment:** The US EPA should work closely with states in revising and finalizing this rule to ensure the federal program is coordinated with existing state requirements for greenhouse gas reporting. As discussed in the preamble, USEPA acknowledges that several states, including New Jersey, are already implementing mandatory greenhouse gas reporting programs. New Jersey rules have required certain stationary sources to report releases of carbon dioxide and methane since 2003. Pursuant to New Jersey's Global Warming response Act, NJDEP proposed expanded reporting covering additional greenhouse gases and upstream fossil fuel suppliers (See 41 N.J.R. 337(a)). The proposed USEPA rule is not consistent with New Jersey's existing and proposed requirements. Below, we offer detailed comments on how USEPA's rule can be modified to be more consistent with New Jersey's requirements, reduce redundant reporting, and be a more effective and efficient reporting program for states and facilities that currently report greenhouse gas information. We have already heard concerns from the regulated community stressing the need to reduce redundant reporting and to increase coordination between state and federal programs. We urge USEPA to reach out to the states as they finalize this rule to address these concerns.

**Response:** See the preamble for the response on the relationship of this rule to other programs, and EPA's commitment to working with States when implementing the final reporting rule.

---

**Commenter Name:** James Greenwood

**Commenter Affiliation:** Valero Energy Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0571.1

**Comment Excerpt Number:** 1

**Comment:** The EPA proposal to collect extensive feedstock and product information from refiners, importers, and exporters is, to a large degree, duplicative of information already provided to the Federal government. Furthermore, as stated in EPA's Technical Support Document (Industry Overview and Current Reporting Requirements for Petroleum Refining and Petroleum Imports), companies already report to the Energy Information Administration ("EIA") the monthly total of crude imports at the company level. This data includes the port of import, volume imported, API gravity, sulfur content, and country of origin. In addition, companies already report to the EIA, at the facility level, the monthly average API gravity and sulfur of crude processed. Furthermore, production data, such as for gasoline and diesel, are reported to the EIA by the batch. Production of other products such as tubes and asphalts are reported monthly. EPA states in the preamble that 141 U.S. refineries must report their fuel consumption to the EIA, so there is limited additional burden to estimate their GHG emissions." (See 74 Fed. Reg. 16540). Valero disagrees with this assertion. Regardless of the similarity of the data in question, a doubling of the reporting obligations is always burdensome, requiring different forms, formats, and recordkeeping practices, and runs contrary to the Paperwork Reduction Act. At 74 Fed. Reg. 16574, EPA states that they considered, but are not proposing, the option of EPA obtaining necessary data through access to existing Federal government reporting databases. Valero highly encourages EPA to take advantage of existing information and not

create a duplicative reporting requirement. Valero opposes the reporting of petroleum products (be they fuels or otherwise) as carbon emissions as if they were combusted at the refinery because the collection of product data in this manner appears to be geared towards assessing the financial burden of transportation sector emissions to the refiner. There is no legitimate reason the Valero can ascertain as to why, when the majority of this data is already available through other means, that product and/or fuel emission information should be assigned to petroleum refineries as a part of their inventory reporting, unless EPA is setting the groundwork to assess carbon tax/fees/allowances against the refineries for fuels. Whether cap and trade or carbon tax regime, an inventory reporting system that is geared towards supporting this policy, at a carbon cost of \$15 per metric ton CO<sub>2</sub>eq, could cost companies like Valero as much as \$6 billion annually, which would most assuredly place the U.S. petroleum industry at a substantial competitive disadvantage with foreign refiners and marketers and would not alleviate the U.S.'s dependence on foreign sources of petroleum products.

**Response:** See the preamble section on source categories to report for the response on why suppliers of petroleum products, suppliers of coal-based liquid fuels, and suppliers of natural gas and natural gas liquids are required to report under this rule.

EPA is committed to developing an efficient and timely system to reduce the burden on reporters, while ensuring that the mandatory GHG reporting program will provide EPA, other government agencies, and outside stakeholders with GHG emissions data for use in future policy and program development. The EPA reviewed the available EIA databases and other available GHG program data. EPA concluded that a mandatory GHG reporting program that supplements and complements existing programs is necessary to support future climate policies. See the preamble section on suppliers of petroleum products for the response regarding the relationship of the petroleum supplier reporting requirements in 40 CFR part 98, subpart MM, to EIA data reporting.

EPA is not going final with subpart W (Oil and Natural Gas Systems), subpart FF (Underground Coal Mines), or subpart KK (Suppliers of Coal). As we consider next steps, we will be reviewing the public comments and other relevant information. Therefore, we are not responding to comments on these subparts at this time.

With respect to the Paperwork Reduction Act as it relates to this rule, see the response to comments in Section VIII.B of the preamble and Volume 7 of this document.

---

**Commenter Name:** Gregory A. Wilkins

**Commenter Affiliation:** Marathon Oil Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0712.1

**Comment Excerpt Number:** 34

**Comment:** The rule should attempt to avoid duplicative information collection by other federal agencies. Consideration should be given to harmonizing existing information collection efforts with other agencies (e.g. EIA) instead of creating redundant reporting to meet the data needs for future policy making.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0571.1, excerpt 1.

---

**Commenter Name:** Heidi B. McLaughlin

**Commenter Affiliation:** Stoney Brook Regional Sewerage Authority (SBRSA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-1533

**Comment Excerpt Number:** 1

**Comment:** As a wastewater treatment facility operating in New Jersey, SBRSA is currently subject to Greenhouse Gas (GHG) reporting, under the requirements of its Title V Operating Permit. New Jersey legislation was recently passed requiring additional GHG reporting for Title V facilities and also requiring GHG reporting for entities with more than 2,500 tons/year of CO<sub>2</sub> equivalent emissions, in order to monitor progress toward the 2020 and 2050 GHG limits of the New Jersey Global Warming Response Act. The proposed federal Mandatory Greenhouse Gas Reporting Rule will subject SBRSA to conflicting GHG reporting requirements. SBRSA will be required to report at both the State and Federal level for the same environmental concern. If the EPA GHG reporting rules could provide each state with state-level data usable to track state-level GHG emissions, the burden of double reporting could be removed for facilities in New Jersey and any other states with similar GHG inventory rules. Therefore it is our request that USEPA design its GHG reporting program to accommodate the need for state-level GHG tracking.

**Response:** See Section the preamble for the response on the relationship of this rule to other programs. EPA carefully reviewed the reporting requirements of existing State programs during development of the reporting rule and attempted to be consistent with the GHG protocols to the extent feasible given different scopes and policy objectives of the programs. EPA will continue to coordinate with other State programs to facilitate data exchange and reduce the burden on reporters.

---

**Commenter Name:** Fiji George

**Commenter Affiliation:** El Paso Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0398.1

**Comment Excerpt Number:** 3

**Comment:** A consistent, mandatory reporting program is a prerequisite to any mandatory GHG reduction program; whether under state, regional or federal mandate. Inconsistency in reporting protocols and administrative measures will increase administrative costs of the program; increase the potential for non-compliance; because variations in reported emissions undermine the utility of the data and interfere with the eventual development of a carbon market. An example is El Paso's experience with the DOE 1605(b) voluntary reporting and the California Climate Action Registry (CCAR). These two reporting systems utilize two different sets of Global Warming Potentials (GWP). Applying the GWP from the Third Assessment Report (TAR) instead of the Second Assessment Report (SAR) results in a difference of about 762,000 tonnes CO<sub>2</sub>e, or 5% in our reported emissions. [Footnote: Based on El Paso's company-wide US emissions for 2007.]

**Response:** See the preamble for the response on the relationship of this rule to other programs. EPA carefully reviewed the reporting requirements of existing Federal, State, and Regional programs during development of the reporting rule and attempted to be consistent with the GHG protocols to the extent feasible. EPA will continue to coordinate with other programs to facilitate data exchange and reduce the burden on reporters. See the comment response document on Subpart A: Applicability for the response of GWPs.

---

**Commenter Name:** J. Spirito  
**Commenter Affiliation:** None  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0238.1  
**Comment Excerpt Number:** 4

**Comment:** The agency indicates that there are already several voluntary and mandatory rules on the measurement of greenhouse gas emissions at both the state and Federal levels. They must articulate why another regulation is necessary. The proposed rule did address this but the overall explanation was unsatisfactory, why is a new rule needed when greater enforcement and efficiency in the application of the previous regulations could accomplish the same effect.

**Response:** EPA developed this reporting rule in response to a Congressional request contained in the FY2008 Consolidated Appropriations Act. The rule will provide a consistent national dataset (which is not currently available through other programs) for use by policy makers, EPA, States, and other stakeholders in analyzing and developing future policies and programs. In addition to the preamble to the proposed rule, see the promulgation preamble background sections on how this rule relates to EPA and U.S. government climate change efforts and how this rule relates to State and regional programs. Also see the preamble for the response to comments on the relationship of this rule to other programs.

---

**Commenter Name:** Jessica S. Steinhilber  
**Commenter Affiliation:** Airports Council International North America (ACI-NA)  
**Document Control Number:** EPA-HQ-OAR-2008-0508-1063.1  
**Comment Excerpt Number:** 4

**Comment:** Many airports already report GHG emissions through state and regional programs such as the Western Climate Initiative or pursuant to California Assembly Bill 32. We note that EPA's reporting does not preempt requirements under state or regional GHG programs. ACI-NA requests that EPA address potentially redundant GHG reporting and the associated burden of reporting to multiple agencies (federal, state, and perhaps local or regional level). Existing and proposed Federal and State GHG programs each have slightly different requirements, reporting formats and due dates, and as a result, reporters may find it challenging to submit reports to comply with the varying requirements. The methodologies used by the EPA and the State for calculating GHG emissions should be comparable to minimize confusion and introduction of conflict into the accuracy of the data and report. EPA should consider developing an online reporting tool that has the flexibility to report data at the federal and state level and allow for the possibility of addressing regional/local GHG programs.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response regarding consistent reporting protocols and data collection systems.

---

**Commenter Name:** Renae Schmidt  
**Commenter Affiliation:** CITGO Petroleum Corporation  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0726.1  
**Comment Excerpt Number:** 31

**Comment:** In discussing the States' roles in Greenhouse Gas Inventories, EPA states in the preamble to this rule that the "goal is to have this GHG reporting program supplement and complement, rather than duplicate, U.S. government and other GHG programs (e.g., State and Regional based programs);" and that "EPA's goal is to develop a reporting rule that, to the extent possible and appropriate, would rely on similar protocols and formats of the existing programs and, therefore, reduce the burden of reporting for all parties involved." Industry heartily endorses this goal and hopes EPA will provide the mechanism to accomplish it. As the situation currently stands, seventeen states, including California, Connecticut, Maine, Massachusetts, New Jersey, and North Carolina either have mandatory greenhouse gas reporting, or are in the process of finalizing their rules. 1 A number of other states have voluntary reporting and all fifty states have had at least one round of Greenhouse Gas estimates supplied to the Energy Information Agency since 2002. Because there are a number of different protocols that can be used for GHG reporting, there have been different versions adopted by the various states. EPA's GHG reporting rule adds yet another set of calculations to the mix. Because of the number of states that already have GHG reporting in place, the EPA rule overlays an additional reporting and recordkeeping burden on industry. Having to develop a second set of records, do double calculations on the same sources and report two different numbers to separate Agencies virtually doubles the costs associated with sampling, reporting and recordkeeping for affected sites. EPA should modify the reporting rule to reflect this problematic situation. To that end, there are several options available. 1. Accept the inventory reporting already in place in various states as satisfying the inventory reporting rule requirements. 2. Preempt existing state rules and prohibit adoption of conflicting inventory reporting requirements. 3. Require states to accept reporting requirements under this rule as fulfilling the state requirement. In addition to avoiding undue, duplicative, resource wasteful and expensive reporting and recordkeeping by creating conflicts within and among the various states, the industry feels it is critical to maintain consistency and continuity among the various rules with which industry must comply.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response to this comment. As discussed in the preamble, this rule does not preempt or replace existing State rules. EPA is committed to working with states to develop an efficient and timely system to share data and reduce the burden on reporters. For a full response to this and other comments on preemption of state rules, see the volume of this document titled "Legal Issues".

---

**Commenter Name:** Keith Adams

**Commenter Affiliation:** Air Products and Chemicals, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-1142.1

**Comment Excerpt Number:** 13

**Comment:** Air Products supports EPA's plan to ease the burden on reporters by working with States to harmonize their existing or planned reporting programs with EPA. EPA has also promised to provide the emissions data collected by this program to relevant agencies. A patchwork system of numerous inconsistent GHG emissions reporting programs throughout the United States will be a very confusing, inefficient, and costly endeavor for reporters. Because of the number of states that already have GHG reporting in place, the EPA rule overlays an additional reporting and recordkeeping burden on industry. Having to develop a second set of records, do double calculations on the same sources and report two different numbers to separate Agencies virtually doubles the costs associated with sampling, reporting and recordkeeping for affected sites. In addition, use of different regulations and protocols for calculating GH G



emissions presents a potential ethical issue for the “designated representative.” Given two different sets of CO<sub>2</sub>-e emission reports arising from dual reporting requirements, how does this person determine that one is “true, accurate, and complete” to the degree required by the proposed 40 CFR 98.4 and the other, which may also require similar certification, is not correct? EPA should modify the reporting rule to reflect this problematic situation. To that end, there are several options available. 1. Accept the inventory reporting already in place in various states as satisfying the federal inventory reporting rule requirements. 2. Preempt existing state rules and prohibit adoption of conflicting inventory reporting requirements. 3. Require states to accept Federal reporting requirements under this rule as fulfilling the state requirement.

**Response:** See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs for the response to this comment. As discussed in the preamble, this rule does not preempt or replace existing State rules. EPA is committed to working with states to develop an efficient and timely system to share data and reduce the burden on reporters. The designated representative, as required by 40 CFR part 98, subpart A, is certifying that the report is accurate and meets the requirements of this GHG reporting rule. This is not in conflict with the same facility submitting separate reports under other programs that have different scopes or require/allow the use of different monitoring and GHG calculation methods. The facility must meet the requirements of each reporting program in which they participate. For a full response to this and other comments on preemption of state rules, see the volume of this document titled “Legal Issues”.

---

**Commenter Name:** Renae Schmidt

**Commenter Affiliation:** CITGO Petroleum Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0726.1

**Comment Excerpt Number:** 33

**Comment:** Similarly, performance specifications are already in place for the continuous monitoring of CO<sub>2</sub>, flow measurement devices and other monitoring and measuring devices specified in the Inventory Rule. Calibration, Testing, Certification and QA-QC for these devices are well established and time tested. Requiring additional procedure around these monitors is expensive and burdensome, not to mention leading to additional downtime on monitors that serve for both the GHG Reporting Rule and other roles. EPA should refer to the existing standards for monitoring equipment and adopt them by reference in the Rule.

**Response:** EPA has incorporated by reference in 40 CFR part 98, subpart A, a number of existing monitoring methods and specifications. EPA reviewed specific comments submitted on the requirements for CEMS, flow meters, and other measuring devices contained in the rule subparts for each source category. See the preamble sections and separate comment response documents for subparts C through PP for responses on the monitoring requirements contained in each subpart.

---

**Commenter Name:** William C. Herz

**Commenter Affiliation:** The Fertilizer Institute (TFI)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0952.1

**Comment Excerpt Number:** 62

**Comment:** Twelve states currently require GHG reporting, with five other states in the process of finalizing rules to take effect between 2010 and 2012 (California, Colorado, Connecticut, Delaware, Hawaii, Iowa, Maine, Maryland, Massachusetts, New Jersey, New Mexico, North Carolina, Oregon, Virginia, Washington, West Virginia and Wisconsin). EPA should delay finalization of the NPRM to coordinate with existing state programs, or in the alternative, grant primacy to those states with GHG reporting programs in effect or pending, and then provide a mechanism for those states to provide a uniform report to EPA on GHG emissions.

**Response:** EPA is under Congressional mandate to issue the final reporting rule to begin collecting data by January 1, 2010. Timely implementation of the rule is needed to collect a consistent data, national dataset for use by policy makers, EPA, and other stakeholders in developing policies and programs. See the preamble summary of comments and responses on the role of states and the relationship of this rule with other programs, including EPA's commitment to work with States to develop an efficient and timely system for sharing data.

---

**Commenter Name:** Randall R. LaBauve

**Commenter Affiliation:** Florida Power & Light (FPL) Group

**Document Control Number:** EPA-HQ-OAR-2008-0508-0624.1

**Comment Excerpt Number:** 1

**Comment:** Under Section 114(b) of the Clean Air Act (CAA), EPA may delegate the authority to collect emissions data from stationary sources to State agencies provided the state agency can satisfy the procedural requirements. At this time, FPL Group does not take a formal position on delegation, but strongly encourages EPA to work with states that already have or are considering state-level mandatory reporting to ensure compatibility and to minimize duplication and other administrative burdens. To the extent practicable, EPA should strive for reporting of GHG emissions data that can be shared between state and federal programs to avoid sources having to report the same or similar information to multiple levels of government or multiple agencies. Differences in reporting requirements (including emissions thresholds, scope of reporting, methodologies, reporting deadlines, etc.) not only increase the administrative burden of reporting on companies, but also obscure the data for use by the public. For example, a source could end up reporting one set of emissions data to EPA and another to individual states. If these registries utilize different thresholds or categories, an entity's reporting data, while accurate, could be markedly different, which would make it more difficult for the public to assess entities' GHG performance. Further, FPL Group would support EPA consideration of alternatives to double-reporting at the federal and state levels, such as incentivizing states to fold state-level emissions reporting programs into the federal program to the extent possible. For example, EPA could encourage states to use the federal reporting data for the covered GHGs and operations, and supplement with reporting of additional gases at the state level if desired.

**Response:** See the preamble for the response on the role of states and on the relationship of this rule to other programs, including EPA's commitment to working with States when implementing the final reporting rule.

---

**Commenter Name:** Myra C. Reece

**Commenter Affiliation:** South Carolina Department of Health and Environmental Control (SC DHEC)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0654.1

**Comment Excerpt Number: 2**

**Comment:** Data reporting requirements should be consolidated within EPA to the greatest extent possible in order that those reporting are not required to send data on criteria, toxic and GHG pollutants to different parts of the agency on differing time lines and at different levels of data quality. The proposal states that "the goal is to have this GHG reporting program supplement and complement, rather than duplicate U. S. government and other GHG programs."<sup>1</sup> This proposal, however, might well be viewed by many as more duplicative than "complementary." The needs of state and local air agencies (and the regulated community) for streamlining and avoiding duplicative activities can be better met. Careful consideration should be given to the many needs for this data and the reporting requirements should ensure the data generated can be used for other international, national, state, local, and voluntary efforts and is also sufficient to support the needs of the domestic and international market-based GHG allowance and offset programs that will likely be deployed in the near future. This will reduce the reporting burden of the regulated community and other duplicative efforts by all entities involved.

**Response:** See the preamble for the response on the relationship of this rule to other programs, and EPA's commitment to working with States when implementing the final reporting rule. EPA is committed to reducing the burden of reporters and will continue to coordinate with State programs to facilitate data exchange.

---

**Commenter Name:** Melinda L. Tomaino

**Commenter Affiliation:** Associated General Contractors of America (AGC)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0628.1

**Comment Excerpt Number:** 3

**Comment:** A significant issue for EPA in designing the new reporting program will be the extent to which it tries to harmonize its program with reporting regimes being developed by states or by voluntary registration programs such as the Climate Registry. A number of states have already or are currently in the process of developing mandatory reporting schemes to support their GHG reduction efforts. The preamble to the proposed rule discusses the role of the states. 74 Fed. Reg. 16595. EPA acknowledges the different ways states may play a role: in the interaction between state and local air pollution control agencies and the sources that are required to report, and the fact that many states already have reporting programs, some of which are "broader in scope or more aggressive in implementation" than the proposed rule. While EPA foresees a role for state and local agencies in educating facilities and ensuring compliance, it does not propose to delegate to the states the authority to implement and enforce the proposed rule. This will create dual reporting requirements. At a minimum, EPA must work with states to harmonize data management to ease the burden on reporters to state and federal systems. EPA must also make the data collected available to states and other interested parties. As more states develop reporting programs, any differences in program design have the potential to become a serious challenge for businesses operating in multiple states.

**Response:** See the preamble for the response on the relationship of this rule to other programs, including EPA's commitment to working with The Climate Registry, States and others to develop an efficient and timely system for data sharing and reduce the burden on reporters. Also see the preamble for responses on the role of States in rule implementation.

---

**Commenter Name:** Deborah Seligman

**Commenter Affiliation:** New Mexico Oil and Gas Association (NMOGA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0603.1

**Comment Excerpt Number:** 8

**Comment:** EPA reviewed existing federal, regional, and state GHG reporting programs covering both voluntary and mandatory reporting initiatives. EPA concluded that none of the existing programs meet all the requirements set forth for a nationwide program regarding breadth of coverage and uniformity of reporting. EPA uses the conclusions of their review as the basic rationale for the program that they are proposing, and are seeking comments on their findings. "EPA seeks comment on whether the conclusions drawn during its review of existing programs are accurate and invites data to demonstrate if, and if so how, the goals and objectives of this proposed mandatory reporting system could be met through existing programs. In particular, comments should address how existing programs meet the breadth of sources reporting, thresholds for reporting, consistency and stringency of methods for reporting, level of reporting, frequency of reporting and verification of reports included in this proposal." (16461) NMOGA supports EPA's basic premise that there is a need for a uniform federal program for reporting GHG emissions from all sectors of the economy. Dual reporting under different programs is not acceptable.

**Response:** See Section the preamble for the response on the relationship of this rule to other programs.

---

**Commenter Name:** Steven J. Rowlan

**Commenter Affiliation:** Nucor Corporation (Nucor)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0605.1

**Comment Excerpt Number:** 11

**Comment:** As the CDP observes in its comments, see Carbon Disclosure Project comments dated May 18, 2009, at 3-4, EPA's proposal falls short of creating a reporting system that is consistent with existing international reporting regimes. This means that many companies and facilities will be required to maintain multiple "books" of GHG emissions estimates using varying reporting protocols. This is inefficient and will lessen the value of the rule as critics point out to divergent GHG emission estimates among the various resources. The AISI protocol is consistent with the evolving world consensus, uses simple, but accurate, measures for calculating GHG emissions, and avoids many of the sampling and computational pitfalls of EPA's proposed more complex Option 3-4-5 approach. Hence, Nucor's participation in the WSA and AISI efforts. Nucor strongly recommends that EPA adopt the WSA/AISI and AISI approach for reporting for the iron and steel sector.

**Response:** Please see the preamble section on iron and steel and the comment response document for Subpart Q Iron and Steel Production for responses on the selection of the GHG calculation method, monitoring, and reporting requirements for that source category.

---

**Commenter Name:** Kathleen Tobin

**Commenter Affiliation:** Verizon Communications, Inc.

**Document Control Number:** EPA-HQ-OAR-2008-0508-0575.1

**Comment Excerpt Number:** 1

**Comment:** Establishing national uniform GHG emission requirements will better enable the EPA, the States, and the regulated community to meet the goals and objectives of the proposed reporting system. Over the last several years various agencies and organizations have established, or are in the process of establishing, a wide array of protocols to measure GHG emissions. While Verizon commends these agencies and organizations for their intent, Verizon has found that the difference in what each protocol requires, or how measurements are to be made, causes companies like Verizon to exert redundant efforts to develop data that often cannot be meaningfully compared. Within the United States alone, a large corporation could have the daunting task of having to prepare more than fifty different reports to meet the various protocols. By establishing a single GHG emission reporting protocol to be used by all Federal, State and Local governmental agencies (and that hopefully will be used by private organizations), the EPA will provide necessary relief to the reporting community while helping to develop meaningful information that can be used by all of the stakeholders.

**Response:** See the preamble for the response on the relationship of this rule to other reporting programs. The preamble includes discussion of use of consistent reporting protocols to the extent feasible given the differing scopes and policy objectives of different programs. As explained in the preamble, EPA is developing an electronic reporting system for this rule and is working with States to develop an efficient and timely system for sharing data, but this rule does not preempt or replace State reporting rules. For a full response to the comment on preemption of state rules, see the volume of this document titled “Legal Issues”.

---

**Commenter Name:** Michael Bradley

**Commenter Affiliation:** The Clean Energy Group (CEG)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0479.1

**Comment Excerpt Number:** 1

**Comment:** Under CAA Section 114(b), EPA may delegate the authority to collect emissions data from stationary sources to state agencies provided they can satisfy the procedural requirements. At this time, the Clean Energy Group does not take a formal position on delegation, but strongly encourages EPA to work with states that already have or are considering state-level mandatory reporting to ensure compatibility and minimization of administrative burdens on the regulated community. To the extent practicable, EPA should strive for reporting that can be shared between state and federal programs to avoid sources having to report the same or similar information to multiple levels of government or agencies. Differences in reporting requirements (including emissions thresholds, scope of reporting, methodologies, reporting deadlines, etc.) not only increase the administrative burden of reporting, but also obscure the data for use by the public. For example, a source could end up reporting one set of emissions data to EPA and another to individual states. If these registries utilize different thresholds or categories, an entity’s reporting data, while accurate, could be markedly different across registries, which would make it more difficult for the public to assess entities’ greenhouse gas performance.

**Response:** See this preamble for the response to comments on the relationship of this rule to other programs. The preamble discusses EPA’s use of consistent reporting protocols to the extent feasible given the different scopes and policy objectives of the different programs, as well as development of an electronic data collection system and EPA’s commitment to work with states to facility data sharing and reduce the burden on reporters.

---

**Commenter Name:** Kathleen M. Sgamma

**Commenter Affiliation:** Independent Petroleum Association of Mountain States (IPAMS)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0521.1

**Comment Excerpt Number:** 2

**Comment:** The rule should attempt to avoid duplicative information gathering as already conducted and required by other federal agencies. The rule should take into account existing data collection by other federal agencies and harmonize such practices with the proposed rule instead of creating redundant reporting requirements solely to meet the needs of data collection for national climate policy.

**Response:** EPA developed this reporting rule in response to a Congressional request contained in the FY2008 Consolidated Appropriations Act. The rule will provide a consistent national dataset (which is not currently available through other programs) for use by policy makers, EPA, States, and other stakeholders in analyzing and developing future policies and programs. See the preamble for the response to comments on the relationship of this rule to other programs.

---

**Commenter Name:** Bob Dinneen

**Commenter Affiliation:** Renewable Fuels Association (RFA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0494.1

**Comment Excerpt Number:** 5

**Comment:** Several States already require reporting from ethanol facilities. For example, Iowa requires GHG reporting from Title V sources and ethanol facilities. EPA should give facilities the option of utilizing reports already being submitted to States.

**Response:** See the preamble for the response on the relationship of this rule to other programs, and EPA's commitment to working with States when implementing the final reporting rule. Regarding the commenters' mention of ethanol facilities, EPA is not going final with the reporting requirements for the ethanol production source category (listed as subpart J in the proposal) at this time. However, stationary combustion units located at an ethanol plant may be subject to the provisions in subpart C (General Stationary Fuel Combustion Sources) if their stationary combustion GHG emissions exceed the applicability threshold in 40 CFR part 98, subpart A or if the facility meets the applicability criteria in subpart A due to other source categories located at the ethanol facility. As we consider next steps on ethanol production, we will be reviewing the public comments and other relevant information. Thus, we are not responding to comments on the ethanol subpart at this time.

---

**Commenter Name:** Helen A. Howes

**Commenter Affiliation:** Exelon Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0373.1

**Comment Excerpt Number:** 9

**Comment:** Exelon recommends the alignment of existing EPA program methodologies and the greenhouse gas reporting rule methodologies to the extent possible. Although we acknowledge that the included sources for this program will differ from other EPA programs, the emissions monitoring and quantification methodologies, including constants and formulas, for specific

sources for the greenhouse gas reporting rule should be consistent with other EPA programs such as Climate Leaders, the SF6 Emissions Reduction Partnership and the Acid Rain Program. This synchronization will prevent facilities from having multiple sets of data and emissions totals, reducing the likelihood of reporter error and providing improved transparency for reporters, EPA and public viewers of the data.

**Response:** See the preamble for the response on the relationship of this rule to other programs. EPA carefully reviewed the reporting requirements of existing Federal programs during development of the reporting rule and attempted to be consistent with other GHG protocols to the extent feasible given the different scopes and policy objectives of the different programs.

---

**Commenter Name:** Sonal Mahida

**Commenter Affiliation:** Carbon Disclosure Project

**Document Control Number:** EPA-HQ-OAR-2008-0508-0306.1

**Comment Excerpt Number:** 6

**Comment:** CDP expects that the majority of the US companies that currently report their emissions voluntarily through the CDP process will be subject to the new mandatory EPA rule. Investors will continue to demand a wide range of corporate climate change data including qualitative reporting, so there will still be a demand for the wider information generated through the CDP process. However for quantitative emissions data there is a strong risk of request duplication and excessive corporate reporting burden. The EPA request will be mandatory, so any falling-off in reporting due to excessive corporate reporting burden is likely to affect to voluntary reporting processes such as CDP which do not impose penalties for failure to respond. Because the CDP Information Request is wider in scope than the proposed EPA requirement, any drop-off in reporting to CDP will result in an overall reduction in the amount of climate change information available to investors and the wider marketplace. One option for avoiding a reduction in qualitative reporting and maximizing corporate reporting is for companies to report climate change information once, to one body, and have that data made available to the widest possible range of stakeholders. This same thinking appears to lie behind EPA's suggestion of a data exchange standard for GHG reporting. CDP has extensive experience in data collection on behalf of a large number of separate entities and would like to express its strong interest in taking part in these discussions about data-sharing and finding ways to work with EPA on this issue.

**Response:** See the preamble, for the responses to comments on the relationship of this rule with other programs and on data exchange. EPA is committed to working with States and other stakeholders to facilitate data exchange. See also comment response document for Data Collection, Reporting, Management and Dissemination.

---

**Commenter Name:** Robert Lucas

**Commenter Affiliation:** California Council for Environmental Economic Balance

**Document Control Number:** EPA-HQ-OAR-2008-0508-0228u

**Comment Excerpt Number:** 1

**Comment:** Now that that mandatory reporting program is in place, and people and industry in California are investing quite a bit of time and energy and resources into making it work by coming up with something different. And so my comments today are just going to focus on that one area of differentiability between what California is now doing in its mandatory reporting rule,

what we have been working with the western states, the WCI, in mandatory reporting requirements for western states and what you have in your draft proposal. So to the extent that there are differences, we would ask that you focus on those differences and you try to address them in a way that allays the requirement to do things in a different way than we are already marching down the path here in California. Third party verification comes to mind. That's one of the areas. The de minimis reporting threshold is another area. And why don't I leave it at that. I would like to keep this as simple as possible with you. I am not here to critique all of the different pages of your regulation. Merely to point out that where you have differences they are going to create problems. And although you might think it would be easy for California to come back in and change its program, I am not convinced that it's as easy as you might think. And for that reason we would ask you to conform as best you can with what California has already adopted. Those two areas, the de minimis issue and the third party verification are the two that are the most prominent at this point.

**Response:** See the preamble for the responses on de minimis reporting and emissions verification approaches.

---

**Commenter Name:** Lane Hallenbeck

**Commenter Affiliation:** ANSI

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1c

**Comment Excerpt Number:** 1

**Comment:** The statutory review reference to the NTTAA in this proposed EPA rule is heartening in its specification of several developers of American National Standards, but the NTTAA does not only mention reliance upon voluntary standards. It also includes the intended elimination of, quote, "unnecessary duplication and complexity in the development and promulgation of conforming assessment requirements and measures," unquote. We feel strongly that the EPA Greenhouse Gas Program should supplement and complement, rather than duplicate existing programs. Many State regulations also specify ANSI accreditation of product and personnel certification bodies. State and voluntary programs provide an important complement to EPA's proposed facility-based mandatory reporting program, providing useful and comprehensive information to address climate change emissions from a wide range of sources and supporting innovative solutions to manage carbon.

**Response:** See the preamble for discussions of the NTTAA and the response to comments on the relationship of this rule to other programs. Also see the preamble for the response to comments on the emissions verification approach.

---

**Commenter Name:** Tara Ann Rabenold

**Commenter Affiliation:** Drexel University

**Document Control Number:** EPA-HQ-OAR-2008-0508-0226.1

**Comment Excerpt Number:** 4

**Comment:** Nationwide industries would benefit from a central reporting headquarters. At this point, it seems that there is a number of different reporting systems that vary by state and industry. If this reporting system includes all types of industry and emissions, it will be easier for companies to find out exactly when is required of them. Also, many different companies are probably required to report different things in different states. A uniform, comprehensive,



reporting system would be very helpful to these national companies. Perhaps incentives can be granted to states that change and comply with the Federal reporting requirements when they are finally comprehensive enough.

**Response:** See the preamble for responses on the relationship of this rule to other programs and on data collection, management and dissemination.

---

**Commenter Name:** Burl Ackerman

**Commenter Affiliation:** J.R. Simplot Company

**Document Control Number:** EPA-HQ-OAR-2008-0508-1641

**Comment Excerpt Number:** 8

**Comment:** A number of mandatory GHG reporting programs exist or are being developed at the State and Regional level. With the implementation of a Federal reporting program, this creates dual reporting. This will lead to multiple data sets. We strongly encourage the EPA to work with State and Regional programs to eliminate their programs and use the one Federal Program.

**Response:** See the preamble for response on the relationship of this rule to other programs. EPA intends to work with States and others to support harmonization across programs to the extent possible. See the preamble for discussion of the role of States and the relationship of this rule to State programs. As discussed in the preamble, this reporting rule does not preempt or replace State rules, and EPA affirms that States can collect additional data under State rules and programs. For a full response to this and other comments on preemption of state rules, see the volume of this document titled “Legal Issues”.

---

#### **4. INVENTORY OF U.S. GHG EMISSIONS AND SINKS**

---

**Commenter Name:** Keith Overcash

**Commenter Affiliation:** North Carolina Division of Air Quality (NCDAQ)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0588

**Comment Excerpt Number:** 6

**Comment:** No, it is not feasible to use top-down inventory data to characterize facility-level emissions. However, the facility level data obtained from the mandatory reporting rule can be used to improve upon the National Inventory for point and upstream sources.

**Response:** EPA thanks the commenter for their input. As noted in Section I.D of the proposal preamble (74 FR 16457, April 10, 2009), the data collected under this rule is not intended to replace the comprehensive national emission Inventory submitted to the UNFCCC. The rule will improve the development of future national inventories for particular source categories or sectors and aid in confirming the national statistics and emission estimation methodologies used to develop the top-down inventory.

---

**Commenter Name:** See Table 5

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-1021.1

## Comment Excerpt Number: 1

**Comment:** The preamble requests comments on whether the Inventory of U.S. Greenhouse Gas Emissions and Sinks (Inventory) could be utilized in lieu of the proposed rule. The Consolidated Appropriations Act, 2008 (FY08 Appropriations Act) authorized funding for EPA to develop and publish a mandatory reporting rule for all GHG emissions above appropriate thresholds in all sectors of the U.S. economy. EEI does not believe that the Inventory would satisfy the congressional mandate of the FY08 Appropriations Act because it does not require “mandatory reporting” of GHG “emissions above appropriate thresholds in all sectors of the economy of the United States.” In the case of the Inventory, the U.S., by ratifying the U.N. Framework Convention on Climate Change (FCCC), is required by Articles 4(1)(a) and 12 to “develop, periodically update, publish and make available . . . national inventories of anthropogenic emissions by sources and removals by sinks, using comparable methodologies.” As the preamble to the proposed rule explains, since 1993 the U.S. has met this obligation by annually publishing the Inventory, which is prepared by EPA and submitted to the FCCC’s Secretariat by the Department of State. The most recent Inventory covers the period 1990-2007 and is dated April 15, 2009 (2009 Inventory). The Executive Summary (ES) of the 2009 Inventory explains that the “structure” of the Inventory “report is consistent with the UNFCCC guidelines for inventory reporting.” The ES also explains that, in accordance with the applicable guidelines, the reported emissions “are grouped into six sectors . . . : Energy; Industrial Processes; Solvent Use; Agriculture; Land Use; Land-Use Change, and Forestry; and Waste.” The ES adds that “[w]hile it is important to use this characterization for consistency” with the guidelines, “it is also useful to allocate emissions into more commonly used sectoral categories,” namely, “Residential, Commercial, Industry, Transportation, Electricity Generation, Agriculture, and U.S. Territories.” Thus, while it appears that more categories and sectors are covered by the 2009 Inventory than, as explained in the preamble, are to be covered by the proposed rulemaking, it is important to emphasize, as the Inventory’s Introduction explains, that the Inventory “presents estimates by the United States government of U.S. anthropogenic” GHG “emissions and sinks for the years 1990 through 2007” with a wide-range of sources supplying the relevant data. The Introduction further states that the “[e]missions calculated for the U.S. Inventory reflect current best estimates; in some cases, however, estimates are based on approximate methodologies, assumptions, and incomplete data. As new information becomes available in the future, the United States will continue to improve and revise its emission estimates.” Emissions estimates composed from various data collation and estimation sources, while obviously deemed sufficient and accepted by the FCCC Secretariat, would not satisfy the congressional mandate. As the preamble points out, “use of the aggregated national data” means that data from actual sources on a “bottom-up” approach would not be collected. Therefore, the Inventory surely must be continued to meet the requirements of the FCCC, and while on a sector basis it appears to meet the economy-wide test called for by the FY08 Appropriations Act, EEI does not believe that the annual Inventory could be construed by EPA to be “mandatory reporting” of actual GHG emissions on an economy-wide basis.

**Response:** EPA thanks the commenter for their input. EPA has promulgated the mandatory reporting rule under the authority of the CAA and consistent with the Congressional Request in the FY2008 Appropriations Act. We are not relying on the Inventory of U.S. GHG Emissions and Sinks in lieu of the rule.

**Commenter Name:** Chris Korleski  
**Commenter Affiliation:** State of Ohio Environmental Protection Agency  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0598.1  
**Comment Excerpt Number:** 10

**Comment:** U.S. EPA requests comments regarding the adequacy of the current method of reporting national GHG emissions data as the mechanism for a mandatory GHG report rules prescribed under FY 2008 Consolidated Appropriations Act. Currently, the U.S. has reported national GHG inventory to the Secretariat of the UNFCCC to comply with the international requirement since 1993. The national GHG inventory is a comprehensive top national assessment using high-level national energy data, activity data, statistics, surveys and other national statistics (e.g., on agriculture) for emissions calculations. Although this sufficiently meets the requirements of the UNFCCC, Ohio believes this is not the appropriate mechanism for a mandatory reporting program. It is very important for a national GHG mandatory reporting program to require facility level data to accurately obtain GHG data for a full scope of source categories and geographic detail that will be useful for national, state-level and local future policy decisions. In Ohio, we have many industrial sectors that emit process emissions that may not be captured through top-level fuel use data at the national level and believe the reporting categories and method of reporting in the proposed GHG mandatory reporting rule will better cover the appropriate number of sources emitting GHG emissions.

**Response:** The EPA thanks the commenter for their input. See the response to EPA-HQ-OAR-2008-0508-1021.1, excerpt 1.

---

**Commenter Name:** Jack Gehring et al.  
**Commenter Affiliation:** Caterpillar Inc.  
**Document Control Number:** EPA-HQ-OAR-2008-0508-0499.1  
**Comment Excerpt Number:** 20

**Comment:** EPA has requested comment on the relationship of the proposed rulemaking to other government efforts or existing GHG reporting programs. 74 Fed. Reg. at 16455. More specifically, the FY 2008 Consolidated Appropriations Act required EPA to develop a final rule, not later than 18 months after its enactment that required mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the U.S. economy. Active involvement in two of the most well-known and comprehensive U.S. GHG assessments: (1) EPA's Inventory of U.S. Greenhouse Gas Emissions and Sinks ("Inventory"); and (2) Energy Information Administration's (EIA) Emissions of Greenhouse Gases in the United States should, by themselves, satisfy the spirit and intent of the FY 2008 Consolidated Appropriations Act. Both EPA's and EIA's assessments are detailed analyses that can be relied upon for the development of a national GHG policy. The Inventory prepared by the EPA's Office of Atmospheric Programs is an impartial, policy-neutral report that already tracks annual GHG emissions. Furthermore, the EPA's and EIA's assessments provide an extensive breakdown for the six major sources of GHG emissions involving five major fuel-consuming sectors, from over 40 aggregated sources and over 75 source sub-categories. Given the extensive analysis provided by these assessments, EPA already has more than sufficient data to reasonably assist in evaluating and developing a prudent climate change policy without forcing entities to increase monitoring and reporting obligations. The EPA's assessment is considered robust in that it satisfies the standards for national GHG reporting set forth by the United Nations Framework Convention on Climate Change and follows the Intergovernmental Panel on Climate Change ("IPCC") Good

Practice Guidance (IPCC 2000). See also EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1900-2007 (April 15, 2009) at p. ES- 18. These standards determine the level of uncertainty analysis and quality assurance/quality control (“QA/QC”) for a national inventory of GHG emissions. At a 95% confidence interval, EPA determined that its emissions estimate could be between 3% below and 7% above its CO<sub>2</sub>e point estimate. Is the new GHG Reporting Rule necessary to drive to a higher level of GHG specificity? Caterpillar believes that the slight increase in GHG reporting precision EPA may gain is severely outweighed by the time, cost, and productivity burdens upon those facilities affected by the proposed rule. If EPA believes that more emission detail beyond the Inventory is reasonably needed to assist in setting national GHG policy, Caterpillar, along with others, recommends that EPA use the extensive EIA databases on fuel consumption and use by industry that allows the agency to calculate GHG emissions by region and by sector within a reasonable level of confidence. In short, EPA has access to two comprehensive U.S. GHG assessments to help craft and support national GHG policy. Where existing data collection efforts are sufficient to comply with the mandate of Congress in the FY2008 Consolidated Appropriations Act, any additional GHG monitoring and reporting obligations are redundant, unnecessary and not value-added.

**Response:** The EPA reviewed the available EIA databases, the Inventory of U.S. Greenhouse Gas Emissions and Sinks inventory, and other available GHG program data. EPA concluded that a mandatory GHG reporting program that supplements and complements existing programs is necessary to support future climate policies. The Inventory of U.S. GHG Emissions and Sinks is a top-down national assessment of national GHG emissions. It does not provide facility-specific data that is needed to analyze many potential GHG policies and regulatory programs. The EIA information does not cover process emissions at industrial facilities that are significant sources of GHG emissions. Facility-level data for all large emitters in the nation are not collected in a comprehensive or consistent manner through other existing programs. Therefore, EPA has promulgated the mandatory reporting rule, consistent with the request from Congress in the FY2008 Appropriations Act.

---

**Commenter Name:** See Table 2

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0477.1

**Comment Excerpt Number:** 4

**Comment:** EPA has requested comment on the relationship of the proposed rulemaking to other government efforts or existing GHG reporting programs. We believe that the two most well-known and extensive U.S. GHG assessments – EPA’s Inventory of U.S. Greenhouse Gas Emissions and Sinks and Energy Information Administration’s (EIA) Emissions of Greenhouse Gases in the United States – should be taken into consideration in determining what additional level of reporting may be required by EPA to inform climate policy. Both EPA’s and EIA’s assessments are detailed analyses that can be relied upon for the development of a national GHG policy. The EPA’s and EIA’s assessments provide an extensive breakdown of its annual CO<sub>2</sub>e emissions estimate for the six major sources of GHG emissions (CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs, and SF<sub>6</sub>) from more than 40 aggregated source categories (e.g., Iron and Steel production) and more than 75 source sub-categories (e.g., sinter, iron, steel, and others within Iron and Steel production). Given the detail provided by these assessments, EPA already has sufficient data to help in evaluating and developing a climate change policy without forcing entities to increase their reporting through additional burdensome monitoring. The EPA’s assessment, in particular, is considered robust in that it meets the standards for national GHG reporting set forth by the

United Nations Framework Convention on Climate Change and follows the IPCC Good Practice Guidance (IPCC 2000). See EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990 – 2007 (April 15, 2009) at p. ES-18. These standards determine the level of uncertainty analysis and quality assurance/quality control (QA/QC) for a national inventory of GHG emissions. EPA’s assessment shows that its CO<sub>2</sub>e emissions estimate is within a fairly tight band. At a 95% confidence interval, EPA determined that its emissions estimate could be between 3% below and 7% above its CO<sub>2</sub>e point estimate. The highest certainty in EPA’s emissions estimates are from CO<sub>2</sub> emissions while the highest uncertainty is from its CH<sub>4</sub> and N<sub>2</sub>O estimates. EPA should focus on improving its existing assessment rather than implementing new, burdensome requirements. From a QA/QC standpoint, EPA has implemented a systematic plan that has “been formalized in accordance with the QA/QC plan and the UNFCCC reporting guidelines.” Id. This plan includes specific detailed procedures and forms that standardize the process of documenting and archiving information, expert review, provisions to track which procedures have been followed, feedback mechanisms for corrective action, coordination and interaction within EPA, across state and Federal agencies and departments, research institutions and consulting firms involved in supplying such data. In addition to national QA/QC plans, source-specific QA/QC plans have been developed for a number of sources. Id. at pp. 1-14. If more emissions detail is reasonably required to assist in setting a policy, we recommend that EPA use the extensive EIA databases on fuel consumption and use by industry that allows one to calculate GHG emissions by region and by sector within a reasonable level of confidence. Also, engineering “best estimates” can be used for more detailed emissions estimates. If a GHG policy is formed either through regulatory or legislative means, we recommend that EPA adjust or even reconsider the proposed reporting requirements so that the ultimate rule relies on protocols similar to existing programs and does not add significant burdens beyond companies’ existing efforts. Where existing data collection efforts are sufficient to meet any legitimate needs enunciated in the proposed rule, the additional requirements are unnecessary.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0499.1, excerpt 20.

---

**Commenter Name:** See Table 4

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-0679.1

**Comment Excerpt Number:** 46

**Comment:** "EPA solicits comment on whether the submission of the Inventory to the UNFCCC could be utilized to satisfy the requirements of the rule promulgated by EPA pursuant to the FY2008 Consolidated Appropriations Act." (p. 16455) 1. API comments: API believes that EPA should use all existing reported data to fulfill Congress’s requirements and only require supplemental data reporting where such existing data are insufficient for informing policy development. API does not hold the requisite information to comment directly on the sufficiency of the National GHG Inventory.

**Response:** See the response to comment EPA-HQ-OAR-2008-0508-0499.1, excerpt 20.

---

**Commenter Name:** Gregory A. Wilkins

**Commenter Affiliation:** Marathon Oil Corporation

**Document Control Number:** EPA-HQ-OAR-2008-0508-0712.1

**Comment Excerpt Number:** 38

**Comment:** The preamble states: "EPA solicits comment on whether the submission of the Inventory to the UNFCCC could be utilized to satisfy the requirements of the rule promulgated by EPA pursuant to the FY2008 Consolidated Appropriations Act." (74 FR 16455) Marathon feels that the Inventory would be adequate with supplemented information from industry, including combustion CO<sub>2</sub> information and other best available information, while maintaining a de minimis level of reporting. This supplemental information should only be reported where existing data is not sufficient to meet the requirements for informing policy development. The reporting rule can be structured to improve the inventory while not increasing burden disproportionately. The current structure of the UNFCCC inventory should be used for the reporting rule.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0499.1, Excerpt 20.

---

**Commenter Name:** Michael Carlson

**Commenter Affiliation:** MEC Environmental Consulting

**Document Control Number:** EPA-HQ-OAR-2008-0508-0615

**Comment Excerpt Number:** 3

**Comment:** The submittal of the most recent Inventory of U.S. Greenhouse Gas Emissions and Sinks, prepared for the United Nations Framework Convention on Climate Change, could and should be used to satisfy the requirements of the proposed rule, which, the agency states (16454, 16456), has its statutory authority in Division F of Title II of the FY2008 Consolidated Appropriations Amendment. This inventory constitutes reporting of "GHG emissions" which are "above appropriate thresholds" and reflects "all sectors of the economy of the United States." Thus, the Inventory meets all of the criteria of the FY2008 Consolidated Appropriations Act.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0499.1, Excerpt 20.

---

**Commenter Name:** Thomas W. Easterly

**Commenter Affiliation:** Indiana Department of Environmental Management (IDEM)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0525.1

**Comment Excerpt Number:** 5

**Comment:** The annual UNFCCC Inventory is consistent with national inventory data submitted by other UNFCCC Parties, uses internationally accepted methods for its emission estimates, provides a comprehensive top-down national assessment of national GHG emissions, and uses top-down national energy data and other national statistics (e.g., on agriculture). IDEM believes that the submission of the Inventory to the UNFCCC does satisfy the requirements promulgated by U.S. EPA pursuant to the FY2008 Consolidated Appropriations Act.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0499.1, Excerpt 20.

---

**Commenter Name:** Angela Burckhalter

**Commenter Affiliation:** Oklahoma Independent Petroleum Association (OIPA)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0386.1

**Comment Excerpt Number:** 2

**Comment:** EPA requests comments on whether its existing Inventory of U.S. GHG Emissions and Sinks (Inventory) report that is submitted to UNFCCC would satisfy the requirements of the FY2008 Appropriations Act. We think it does. The Inventory is compiled from EPA's own internal ongoing projects and programs. In addition, EPA obtains data from the Energy Information Administration, the Department of Energy, the Department of Transportation, and other various federal agencies that have significant available data upon which EPA can obtain information. We do not think there is a need for EPA to burden thousands of industries in less than ideal economic times by requesting such costly and burdensome information that EPA can already obtain through existing sources. EPA should evaluate all other options to gain the necessary information that it needs to make policy decisions before additional, burdensome and costly requirements are placed on the reporting entities as proposed.

**Response:** See the response to EPA-HQ-OAR-2008-0508-0499.1, Excerpt 20.

---

**Commenter Name:** Mark R. Vickery

**Commenter Affiliation:** Texas Commission on Environmental Quality (TCEQ)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0666.2

**Comment Excerpt Number:** 10

**Comment:** The Executive Director of the TCEQ believes that EPA should also clarify if and how the reported emissions would be made available to the public, and if these reported emissions will be compared to nonanthropogenic GHG emissions within the U.S.

**Response:** EPA intends to make data available to the public in a timely fashion. See the preamble for the response to comments on this topic. The data collected under this rule is primarily anthropogenic emissions, consistent with the objectives and scope of this rulemaking, rather than nonanthropogenic emissions. The national annual Inventory of U.S GHG Emissions and Sinks also focuses on anthropogenic emissions.

---

## **5. HOW WILL THIS RULE AFFECT EPA'S VOLUNTARY GHG REPORTING PROGRAMS?**

---

**Commenter Name:** Chris Hobson

**Commenter Affiliation:** Southern Company

**Document Control Number:** EPA-HQ-OAR-2008-0508-1645.2

**Comment Excerpt Number:** 1

**Comment:** Southern Company supports EPA's efforts to consider other existing voluntary reporting programs. Many of the entities that will be required to report under EPA's mandatory program already voluntarily report on some level under another program. In order to reduce the duplication of information being reported, the Department of Energy's (DOE) Energy Information Administration's (EIA) Section 1605(b) voluntary GHG reporting program should sunset with the starting date of EPA's mandatory GHG reporting program. Section 1605(b) is a voluntary program for many of the same sectors that will be required to report under EPA's mandatory program and therefore it is unnecessary to continue both programs.

**Response:** As discussed in the preamble, existing GHG reporting programs have different scopes and purposes. EPA recognizes that these programs have an important role in addressing climate change issues, and this reporting rule does not preempt or replace other programs. Under the DOE 1605(b) program, reporters can choose to prepare and entity-wide GHG inventory and document specific GHG emissions reductions made by the entity. The emissions reduction information is useful to the entity, the public, and other stakeholders. The GHG reporting rule covers a much broader set of reporters, but is not designed to collect emissions reduction information and does not replace the DOE 1605(b) voluntary program. See preamble for further discussion on the relationship of this rule to other programs.

---

**Commenter Name:** See Table 5

**Commenter Affiliation:**

**Document Control Number:** EPA-HQ-OAR-2008-0508-1021.1

**Comment Excerpt Number:** 2

**Comment:** EPA generally characterizes existing federal voluntary reporting programs correctly. And while it is true that EPA's proposed mandatory GHG program "would have a much broader set of reporters" in general than existing federal voluntary reporting programs, this is not the case with the electric utility industry, which as a whole has long been broadly active in voluntary reporting under the Department of Energy's (DOE) Energy Policy of 1992 section 1605(b) program. In addition, it should be noted that one of the important data elements gained by voluntary reporting under the 1605(b), Climate Leaders and related programs, is the reporting of emissions reductions and specific activities. For example, electric utility actions to reduce, avoid or sequester GHGs represented 69 percent of all the reporting done under the 1605(b) program as of 2005. In that year alone, utilities reported 267 million metric tons of GHG reductions, avoidances and sequestrations. Like the data to be collected pursuant to the proposed rule, this type of data may also be relevant to future U.S. climate policy.

**Response:** The reporting rule and the 1605(b) program were designed to fill different needs. While many utilities and other sources report to the 1605(b) program, there are others that do not participate. The mandatory reporting rule collects information from all facilities above the thresholds for the covered source categories. Furthermore, this reporting rule required facility-level (and in some cases unit or process level) GHG emissions information and data needed for emissions verification that are not reported to the 1605(b) program. On the other hand, the reporting rule focuses on facility emissions whereas the 1605(b) program collects valuable information on emissions reductions and activities. For additional information on the relationship of this rule to the DOE program and other reporting programs, see the response to comment EPA-HQ-OAR-2008-0508-1645.2, excerpt 1 and the preamble.

---

**Commenter Name:** David Stirpe

**Commenter Affiliation:** Alliance for Responsible Atmospheric Policy (ARAP)

**Document Control Number:** EPA-HQ-OAR-2008-0508-0527.1

**Comment Excerpt Number:** 1

**Comment:** The Proposed Rule notes many "Non-CO<sub>2</sub> Voluntary Partnership Programs" that EPA has conducted with business and others since 1990. (Page 16458). The list includes programs addressing methane, PFCs and SF<sub>6</sub>. We request that the efforts conducted between the Alliance and EPA regarding HFC-23 be added to the list. On October 18, 1993, the Alliance's



HCFC-22 producers developed a voluntary effort with EPA and agreed to reduce the emissions of byproduct HFC-23 that occur in the HCFC-22 production process. The commitment to reduce over 4 MMTCE by 2000 was achieved. Today, this successful voluntary program continues with annual reporting and further reductions.

**Response:** EPA thanks the commenter for their input. We acknowledge and appreciate the efforts conducted between the Alliance and EPA regarding HFC-23.

---

**Commenter Name:** Jo Ann Emerson

**Commenter Affiliation:** U.S. House of Representatives

**Document Control Number:** EPA-HQ-OAR-2008-0508-0341

**Comment Excerpt Number:** 5

**Comment:** Some manufacturers and agricultural operations are already voluntarily taking measures to reduce their output of the greenhouse gases identified by this proposed rule. While these examples are not the same as an industry standard, I very strongly believe that we should give the private sector a genuine opportunity to act on this matter before implementing a heavy-handed mandate. Southern Missouri economic development experts and researchers in our robust academic community are constantly finding new efficiencies that maintain the edge of our talented, hard-working workforce in the manufacturing and agricultural sectors of our national economy. A draconian response to a complicated economic and environmental situation demands that government act extremely deliberately, if at all, when imposing such unprecedented and costly rules on the American public.

**Response:** The purpose of the reporting rule is to collect consistent, national facility-level and supplier data on GHG emissions, consistent with the request from Congress in the FY2008 Appropriations Act. The data will be shared for use by policy makers, EPA, States, the public, and other stakeholders to analyze and develop GHG policies and programs. The rule requires only reporting of actual emissions, and does not regulate emissions or require any emissions reductions. The rule contains thresholds to minimize the burden on small facilities. EPA is developing an electronic reporting system and outreach materials and training to assist facilities that are required to report under the rule. EPA commends sources who have already taken initiative to reduce their emissions.

---

**Commenter Name:** Emily Fisher

**Commenter Affiliation:** Edison Electric Institute

**Document Control Number:** EPA-HQ-OAR-2008-0508-0212.1d

**Comment Excerpt Number:** 4

**Comment:** On SF6 issues, many EEI members participate in EPA's SF6 partnership program, which is aimed at reducing emissions. How is this program affected by the Proposed Rule?

**Response:** At this time EPA is not going final with the SF6 from electrical equipment subpart. As we consider next steps, we will be reviewing the public comments and other relevant information. Thus, we are not responding to comments on this subpart at this time. See the preamble for the response on the relationship of this rule to other programs.

---

**Commenter Name:** J. Southerland

**Commenter Affiliation:** None

**Document Control Number:** EPA-HQ-OAR-2008-0508-0165

**Comment Excerpt Number:** 12

**Comment:** All existing EPA and other federal voluntary programs should be discontinued and melded into an all inclusive mandatory program. With so many separate and uncoordinated efforts, there is little ability to meld a continuum or to use limited funding efficiently with useful results.

**Response:** See the preamble for the response on the relationship of this rule to other programs. As further discussed in the preamble, EPA recognizes that voluntary programs have different scopes and objectives than the reporting rule, and that the voluntary programs serve useful purposes in addressing Climate change issues. This rule is not pre-empting or replacing other programs.

Table 1

COMMENTER	AFFILIATE	DCN
Michael J. Stanton	Association of International Automobile Manufacturers	EPA-HQ-OAR-2008-0508-0476
Robert J. Martineau, Jr.	Counsel, Waller Landsden Dortch & Davis, LLP	EPA-HQ-OAR-2008-0508-0414.1

Table 2

COMMENTER	AFFILIATE	DCN
Lorraine Krupa Gershman	American Chemistry Council, et al.	EPA-HQ-OAR-2008-0508-0477.1
Audrae Erickson	Corn Refiners Association	EPA-HQ-OAR-2008-0508-0519.1
Lawrence W. Kavanagh	American Iron and Steel Institute (AISI)	EPA-HQ-OAR-2008-0508-0695.1

Table 3

COMMENTER	AFFILIATE	DCN
James Greenwood	Valero Energy Corporation	EPA-HQ-OAR-2008-0508-0571.1 EPA-HQ-OAR-2008-0508-0571.2
Charles T. Drevna	National Petrochemical and Refiners Association	EPA-HQ-OAR-2008-0508-0433.1 EPA-HQ-OAR-2008-0508-0433.2

Table 4

COMMENTER	AFFILIATE	DCN
Karin Ritter	American Petroleum Institute (API)	EPA-HQ-OAR-2008-0508-0679.1
James Greenwood	Valero Energy Corporation	EPA-HQ-OAR-2008-0508-0571.1
William W. Grygar II	Anadarko Petroleum Corporation	EPA-HQ-OAR-2008-0508-0459.1

Table 5

COMMENTER	AFFILIATE	DCN
Chris Hobson	The Southern Company	EPA-HQ-OAR-2008-0508-1645.1
Quinlan J. Shea, III	Edison Electric Institute (EEI)	EPA-HQ-OAR-2008-0508-1021.1

Table 6

COMMENTER	AFFILIATE	DCN
Craig Holt Segall	Sierra Club	EPA-HQ-OAR-2008-0508-0635.1
Melissa Thrailkill	Center for Biological Diversity	EPA-HQ-OAR-2008-0508-0430.1